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Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 410. RADIATION MANAGEMENT

[OAR Docket #08-1222]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:410-1-2. Definitions [AMENDED]

252:410-1-4. General regulatory requirements [AMENDED]

252:410-1-7. Incorporation of federal regulations by reference [AMENDED]

Subchapter 10. Radioactive Materials Program

Part 1. General Provisions

252:410-10-1. Radioactive Materials Program [AMENDED]

252:410-10-2. Using provisions incorporated by reference as state rules [AMENDED]

252:410-10-3. Radioactive Materials Program authorizations [AMENDED]

Part 30. Byproduct Material Licensing in General

252:410-10-30. 10 CFR 30 incorporations [AMENDED]

Part 31. Byproduct Material: General Licenses

252:410-10-31. 10 CFR 31 incorporations by reference [AMENDED]

Part 32. Byproduct Material: Specific Licenses for Manufacturing and Transferring Certain Items

252:410-10-32. 10 CFR 32 incorporations by reference [AMENDED]

Part 35. Medical Use of Byproduct Material

252:410-10-35. 10 CFR 35 incorporations by reference [AMENDED]

Subchapter 20. Standards For Protection Against Radiation

252:410-20-1. Standards for protection against radiation [AMENDED]

SUMMARY:

The Department is proposing to amend OAC 252:410-1-7 to change the date for the incorporation of federal regulations by reference to January 1, 2008. Federal rule changes that become a part of the Oklahoma radiation management program through this incorporation by reference are a newly-expanded definition of byproduct material that adds radium sealed sources, accelerator-produced radioactive materials, and

discrete sources of naturally-occurring radioactive material to the byproduct materials program; amendment of several regulations governing the distribution of byproduct material; requirements for implementation of a National Source Tracking System whereby licensees must report transactions involving certain sealed sources; and minor corrections to regulation on medical use of byproduct material. Additional amendments to Subchapters 1, 10, and 20 are required to conform the Oklahoma rules to the updated federal regulations.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., Sections 2-2-101, 2-2-104, 2-2-201 and 2-9-104.

COMMENT PERIOD:

Written comments may be made, delivered, or mailed to the contact person from September 1, 2008, through October 1, 2008. Oral comments may be made at the Radiation Management Advisory Council meeting on October 2, 2008, and at the Environmental Quality Board meeting on November 18, 2008.

PUBLIC HEARINGS:

Before the Radiation Management Advisory Council on October 2, 2008, at 10:00 a.m., in the Multi-Purpose Room, first floor, Oklahoma Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board at 9:30 a.m. on November 18, 2008, at the Tahlequah Armory Municipal Center, Room#3, 100 N. Water Street, Tahlequah, Oklahoma 74464.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these rules provide the Department, within the comment period and in dollar amounts if possible, the increase in the level of direct costs such as fees and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Such comments should be submitted in writing to the contact person shown below.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, or reviewed online at <http://www.deq.state.ok.us>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person.

Notices of Rulemaking Intent

CONTACT PERSON:

The contact person is Mike Broderick who may be reached at 405-702-5100, by FAX at 405-702-5101, by e-mail at mike.broderick@deq.state.ok.us, or by mail at Radiation Management Section, Land Protection Service, OK Department of Environmental Quality, P.O. Box 1677, Oklahoma City, OK, 73101-1677.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need accommodation, please notify the contact person three business days in advance. For the hearing impaired, the TDD Relay number is 1-800-522-8506 or 1-800-722-0353 for TDD machine use only.

[OAR Docket #08-1222; filed 8-8-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

[OAR Docket #08-1225]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-2. Definitions [AMENDED]

252:606-1-4. Date of federal regulations incorporated [AMENDED]

Subchapter 7. Biosolids Permit Requirements [REVOKED]

252:606-7-1. Permit required [REVOKED]

252:606-7-2. Permit applications [REVOKED]

252:606-7-3. Certification required [REVOKED]

252:606-7-4. Sludge (biosolids) management plan [REVOKED]

252:606-7-5. Permit modifications [REVOKED]

252:606-7-6. Restrictions applicable to all land application [REVOKED]

252:606-7-7. Laboratory analyses [REVOKED]

252:606-7-8. Compliance required [REVOKED]

252:606-7-9. Monitoring wells [REVOKED]

Subchapter 8. Biosolids Requirements [NEW]

252:606-8-1. Permits and prohibitions [NEW]

252:606-8-2. Permit applications [NEW]

252:606-8-3. Sludge (biosolids) management plan [NEW]

252:606-8-4. Class A biosolid production [NEW]

252:606-8-5. Class B biosolid production [NEW]

252:606-8-6. Land application of biosolids [NEW]

Subchapter 9. Land Application of Biosolids [REVOKED]

252:606-9-1. Prohibitions [REVOKED]

252:606-9-2. Land application exceptions and alternatives [REVOKED]

252:606-9-3. Site use for land application [REVOKED]

252:606-9-4. pH and nutrient limits [REVOKED]

252:606-9-5. Soil sampling [REVOKED]

SUMMARY:

The Department proposes to combine its two subchapters concerning biosolids into one subchapter. The rules modifications will create rules to govern facilities that wish to create Class A Biosolids pursuant to federal requirements. Additionally, the Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 2, 2008, through October 7, 2008. Oral comments may be made at the Water Quality Management Advisory Council meeting on October 7, 2008, and at the Environmental Quality Board meeting on November 18, 2008.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on October 7, 2008, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on November 18, 2008, at 9:30 a.m. at the Tahlequah Armory Municipal Center, Room #3, 100 N. Water Street, Tahlequah, Oklahoma 74464.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.state.ok.us (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1225; filed 8-8-08]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 611. GENERAL WATER QUALITY**

[OAR Docket #08-1223]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 252:611-1-3. Adoption and incorporation by reference [AMENDED]
- Subchapter 3. Certifications
 - 252:611-3-1. Water quality certifications required [AMENDED]
 - 252:611-3-2. Requirements for certification [AMENDED]

SUMMARY:

The Department proposes to update its rules concerning entities required to receive a water quality certification from the Oklahoma Department of Environmental Quality, pursuant to Section 401 of the Clean Water Act, when the entity is required to obtain a federal permit. Additionally, the rule changes modify the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules from July 1, 2007, to July 1, 2008.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 2, 2008, through October 7, 2008. Oral comments may be made at the Water Quality Management Advisory Council meeting on October 7, 2008, and at the Environmental Quality Board meeting on November 18, 2008.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on October 7, 2008, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on November 18, 2008, at 9:30 a.m. at the Tahlequah Armory Municipal Center, Room #3, 100 N. Water Street, Tahlequah, Oklahoma 74464.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/index.htm>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.state.ok.us (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1223; filed 8-8-08]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 616. INDUSTRIAL WASTEWATER SYSTEMS**

[OAR Docket #08-1224]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
 - 252:616-1-1. Purpose [AMENDED]
 - 252:616-1-2. Definitions [AMENDED]
- Subchapter 3. Permit Procedures
 - 252:616-3-4. Applications [AMENDED]
- Subchapter 9. Tank System Standards
 - 252:616-9-3. Tank system requirements [AMENDED]
- Subchapter 13. Closure Standards
 - 252:616-13-1. Termination of activities [AMENDED]

Notices of Rulemaking Intent

Appendix A. Application for Permit to Discharge and/or Treat Industrial Wastewater of Sludge General Information [REVOKED]

Appendix B. Application for Permit to Discharge and/or Treat Industrial Wastewater or Sludge Surface Impoundments and Septic Tanks [REVOKED]

Appendix C. Application for Permit to Land Apply Industrial Wastewater and/or Sludge [REVOKED]

Appendix D. Class III Surface Impoundment Design [REVOKED]

Appendix D. Class III Surface Impoundment Design [NEW]

SUMMARY:

The Department proposes to modify its rules to require secondary containment for above-ground tank systems that are constructed pursuant to the requirements of this chapter. Additionally, the rules propose to tighten the closure requirements for industrial wastewater systems, propose to revoke the appendices that contain the permit forms and propose to revoke and replace Appendix D concerning Class III Surface Impoundments to make clean up changes.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments may be submitted to the contact person from September 2, 2008, through October 7, 2008. Oral comments may be made at the Water Quality Management Advisory Council meeting on October 7, 2008, and at the Environmental Quality Board meeting on November 18, 2008.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on October 7, 2008, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on November 18, 2008, at 9:30 a.m. at the Tahlequah Armory Municipal Center, Room #3, 100 N. Water Street, Tahlequah, Oklahoma 74464.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/wqdnew/>.

CONTACT PERSON:

The contact person is Donald D. Maisch. Mr. Maisch can be reached at don.maisch@deq.state.ok.us (e-mail), (405) 702-7189 (phone) or (405) 702-7199 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #08-1224; filed 8-8-08]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 50. LICENSED PEDORTHISTS

[OAR Docket #08-1211]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

435:50-1-4. Definitions [AMENDED]

Subchapter 3. Licensure/Registration/Reinstatement

435:50-3-4. Application procedure [AMENDED]

435:50-3-5. Standard requirements for licensure [AMENDED]

435:50-3-8. Licensure by endorsement [AMENDED]

435:50-3-9. Requirements for temporary licensure [AMENDED]

Subchapter 5. Annual Renewal/Continuing Education

435:50-5-1. Definitions

435:50-5-4. Approval of continuing education [AMENDED]

Subchapter 7. Regulation of Practice

435:50-7-2. Standards of Ethics and Professional Conduct [AMENDED]

SUMMARY:

HB2763, effective May 8, 2008, changed the examination requirements for pedorthists from the Board for Certification in Pedorthics (BCP) to an entity approved by the Board. The proposed amendments are a result of this law change. The required examination will be through the American Board for Certification in Orthotics, Prosthetics & Pedorthics or the Board for Orthotist/Prosthetist Certification.

AUTHORITY:

TITLE 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from September 2, 2008 to October 6, 2008. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on October 13, 2008, 10:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than October 6, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after September 2, 2008 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #08-1211; filed 7-28-08]

Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. DRIVER LICENSES AND IDENTIFICATION CARDS

[OAR Docket #08-1213]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card [AMENDED]
- Subchapter 5. Medical Aspects [AMENDED]
- Subchapter 9. Certified Schools and Designated Examiners [AMENDED]
- Subchapter 13. Parent-Taught Driver Education [AMENDED]

SUBMITTED TO GOVERNOR:

April 1, 2008

SUBMITTED TO HOUSE:

April 1, 2008

SUBMITTED TO SENATE:

April 1, 2008

[OAR Docket #08-1213; filed 7-31-08]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #08-1214]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. General Provisions [AMENDED]

- Subchapter 3. Wrecker License [AMENDED]
- Subchapter 5. All Wrecker Operators [AMENDED]
- Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements [AMENDED]

SUBMITTED TO GOVERNOR:

April 1, 2008

SUBMITTED TO HOUSE:

April 1, 2008

SUBMITTED TO SENATE:

April 1, 2008

[OAR Docket #08-1214; filed 7-31-08]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #08-1215]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. Driver Education Instruction [AMENDED]
- Subchapter 5. Motor Vehicle Accident Prevention Course [REVOKED]

SUBMITTED TO GOVERNOR:

April 1, 2008

SUBMITTED TO HOUSE:

April 1, 2008

SUBMITTED TO SENATE:

April 1, 2008

[OAR Docket #08-1215; filed 7-31-08]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.

For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. DRIVER LICENSES AND IDENTIFICATION CARDS

[OAR Docket #08-1216]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card [AMENDED]

Subchapter 5. Medical Aspects [AMENDED]

Subchapter 9. Certified Schools and Designated Examiners [AMENDED]

Subchapter 13. Parent-Taught Driver Education [AMENDED]

GUBERNATORIAL APPROVAL:

May 8, 2008

[OAR Docket #08-1216; filed 7-31-08]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #08-1217]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Wrecker License [AMENDED]

Subchapter 5. All Wrecker Operators [AMENDED]

Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements [AMENDED]

GUBERNATORIAL APPROVAL:

May 8, 2008

[OAR Docket #08-1217; filed 7-31-08]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #08-1218]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. Driver Education Instruction [AMENDED]

Subchapter 5. Motor Vehicle Accident Prevention Course [REVOKED]

GUBERNATORIAL APPROVAL:

May 8, 2008

[OAR Docket #08-1218; filed 7-31-08]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 667. HOSPITAL STANDARDS

[OAR Docket #08-1212]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 59. Classification of Hospital Emergency Services

310:667-59-1. [AMENDED]

310:667-59-3. [AMENDED]

310:667-59-5. [AMENDED]

310:667-59-20. [NEW]

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Sections 1-104, 1-705, and 1-707.

DATES:

Public Hearing:

June 12, 2008

Adoption:

June 12, 2008

Approved by Governor:

July 17, 2008

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2009, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The State Board of Health finds that public interest requires seeking of emergency certification of amendments to rules in Chapter 667. Unless an emergency is declared and certified, there will be no classification system in place to designate "Primary Stroke Centers" and "Secondary Stroke Centers" and there is a significant risk that stroke patients who might otherwise benefit from the immediate availability of thrombolytic therapy for ischemic stroke when appropriate could be transported to a hospital that is not able to provide the optimal treatment for their condition thereby resulting in an increased risk of disability.

ANALYSIS:

The amendments to OAC 310:667 create a new section of rule within Subchapter 59. Classification of Hospital Emergency Services to establish classification standards for "Primary Stroke Centers" and "Secondary Stroke Centers." These standards are intended to stratify hospitals into those hospitals capable of administering an intravenous thrombolytic agent within three hours of the onset of ischemic stroke symptoms and those hospitals that are not able to provide this therapeutic intervention for stroke.

The rules allow OSDH to recognize verification as a Primary Stroke Center by The Joint Commission for the purposes of state classification. The proposed rule requires a Primary Stroke Center to provide an organized emergency department with a physician on call and immediately available; an identified stroke team with documented response time criteria; standard practice

protocols specifying the appropriate administration of an FDA-approved thrombolytic agent within sixty minutes of the arrival of the patient at the emergency department; the availability of computerized tomography diagnostic imaging services and certain laboratory services twenty-four hours a day; as well as the availability of certain supplies and equipment.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-6576; electronic mail: tomw@health.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 59. CLASSIFICATION OF HOSPITAL EMERGENCY SERVICES

310:667-59-1. General

(a) All hospitals that treat emergency patients shall identify the extent of the stabilizing and definitive emergency services they provide. For each of the clinical areas listed in OAC 310:667-59-7 for which a hospital provides emergency services, the hospital shall designate which classification level of service it provides.

(b) All hospitals shall participate in the state-wide trauma and stroke registries ~~registry~~ and shall submit data on stroke and trauma related injury and illness to the Department as required. Hospitals shall submit data on the other emergency medical services they provide as required by the Department as the data collection tools to capture this information become available.

310:667-59-3. Inspections and deemed status

(a) All hospitals required to have a license are subject to inspection by Department staff in accordance with OAC 310:667-1-4.

(b) The Commissioner shall designate representatives to verify a hospital's emergency services are accurately classified for trauma and emergency operative services Levels II, III and IV, and all other classified emergency services. Survey teams for facilities providing trauma and emergency operative services at Levels II and III shall include a physician. If it is

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determined a hospital does not meet the requirements for a service to be classified at the Level reported on the Emergency Medical Services Classification Report (ODH Form 911), the Department shall classify that service at the next lowest Level where all requirements are met.

(c) Hospitals holding current verification as a Level I or Level II trauma center issued after an on-site review of their trauma services by a verification team from the American College of Surgeons Committee on Trauma (ACS COT) shall be deemed to meet the classification requirements for Trauma and Emergency Operative Services listed in OAC 310:667-59-9(c) or OAC 310:667-59-9(d). Such hospitals shall be classified by the Department as providing definitive trauma and emergency operative services at either classification Level I or Level II as reported by the ACS based on the provisions of this Subchapter.

(d) The services provided by hospitals classified at Level II for Trauma and Emergency Operative Services may be verified by either ACS COT surveyors or other representatives deemed qualified by the Commissioner.

(e) Only hospitals holding current verification as a Level I trauma center after an on-site review of their trauma services by a verification team from the ACS COT according to the standards at OAC 310:667-59-9(d) shall be classified at Level I for trauma and emergency operative services.

(f) The Department may grant Primary Stroke Center classification to hospitals holding current verification as a Primary Stroke Center issued after an on-site review of their emergency stroke services by a verification team from The Joint Commission. Such classification shall also be granted to hospitals that meet the requirements of a Primary Stroke Center as specified at OAC 310:667-59-20 (relating to the classification of emergency stroke services) and verified by Department staff.

310:667-59-5. Notification

(a) Each hospital shall notify the regional emergency medical services system control when treatment services are at maximum capacity and that emergency patients should be diverted to another hospital (divert status). If the hospital is located in an area in which no regional emergency medical services system control is active, the hospital shall notify each entity providing emergency medical services, such as ambulance services, in their catchment area. Each hospital shall maintain written records documenting the date and time of the start and end of each interval of divert status.

(b) Each hospital shall develop and maintain written criteria that describe the conditions under which any one or all of the hospital's emergency services are deemed to be at maximum capacity.

(c) A hospital classified at Level I or Level II for Trauma and Emergency Operative Services or as a Primary Stroke Center shall notify the Department in writing or by facsimile or other electronic means within twenty-four (24) hours of the complete loss of verified status as a Level I or Level II trauma center by ACS COT, or as a Primary Stroke Center by the Joint Commission.

(d) A hospital shall notify the Department in writing or by facsimile or other electronic means within twenty-four

hours (24) if it is unable to provide any classified emergency medical service at the current classified level, such as through the unavailability of professional personnel or required equipment which is beyond the scope of the facility's normal divert protocols. If such an interruption of service is expected to be brief and the hospital notifies the Department promptly, at the discretion of the Commissioner, it may not be necessary to permanently reclassify the service to a lower Level.

(e) A hospital may request a permanent change in classification for any classified emergency medical service by notifying the Department in writing and submitting a new Emergency Medical Services Classification Report (ODH Form 911) at least thirty (30) days prior to the effective date of the change.

310:667-59-20. Classification of emergency stroke services

(a) Secondary Stroke Facility. A Secondary Stroke Facility shall provide services with at least a licensed independent practitioner, registered nurse, licensed practical nurse, or intermediate or paramedic level emergency medical technician on site twenty-four (24) hours a day. A hospital shall be classified as a Secondary Stroke Facility if it meets the following requirements:

(1) Clinical services and resources. No diagnostic, surgical, or medical specialty services are required.

(2) Personnel. A physician, licensed independent practitioner, registered nurse, licensed practical nurse, or intermediate or paramedic level emergency medical technician shall be on site twenty-four (24) hours a day. In the absence of a physician, licensed independent practitioner, registered nurse, or paramedic level emergency medical technician, at least one of the practitioners on duty shall have received training in advanced life support techniques and be deemed competent to initiate treatment of the emergency stroke patient.

(A) If the facility is licensed as a General-Medical Surgical Hospital it shall also meet the personnel and staffing requirements at OAC 310:667-29-1 (relating to emergency service or department) and any other applicable parts of this Chapter.

(B) If the facility provides emergency medical services and is licensed as a Specialized Hospital: Psychiatric, it shall also meet the personnel and staffing requirements at OAC 310:667-33-2 (relating to services) and any other applicable parts of this Chapter.

(C) If the facility provides emergency medical services and is licensed as a Specialized Hospital: Rehabilitation, it shall also meet the personnel and staffing requirements at OAC 310:667-35-3 (relating to specialized requirements - policy and personnel) and any other applicable parts of this Chapter.

(D) If the facility provides emergency medical services and is licensed as a Critical Access Hospital, it shall also meet the personnel and staffing requirements at OAC 310:667-39-14 (relating to emergency services) and any other applicable parts of this Chapter.

- (3) **Supplies and equipment.** In addition to the requirements at OAC 310:667-59-9(a)(3) (relating to classification of trauma and emergency operative services at Level IV), the hospital shall have the following equipment and supplies on site, functional, and immediately available:
- (A) Seizure control agents;
 - (B) Thiamine and glucose for intravenous administration; and
 - (C) Antipyretics and procedures for reducing body temperature when necessary.
- (4) **Agreements and policies on transfers.**
- (A) The hospital shall have written policies defining the medical conditions and circumstances for those emergency patients which may be retained for treatment in-house, and for those who require stabilizing treatment and transfer to another facility.
 - (B) The facility shall have a written agreement with a hospital classified as a Primary Stroke Center, or with a board certified, board eligible, or residency trained neurologist, or group of neurologists to provide immediate consultative services for stroke patients twenty-four (24) hours a day. Such services shall include providing instructions for the initiation of appropriate therapy and/or patient transfer.
- (b) **Primary Stroke Center.** A Primary Stroke Center shall provide emergency medical services with an organized emergency department. A physician shall be on call and immediately available to respond to the emergency department and nursing staff with special capability in emergent stroke care shall be on site twenty-four (24) hours a day. A hospital shall be classified as a Primary Stroke Center if it meets the following requirements:
- (1) **Clinical services and resources.**
 - (A) **Emergency services.** A physician deemed competent in the care of the emergent stroke patient and credentialed by the hospital to provide emergency medical services shall be on call and immediately available to respond to the emergency department. Nursing personnel with special capability in emergent stroke care shall be on site twenty-four (24) hours a day.
 - (i) For a hospital licensed as a general medical surgical hospital or specialty hospital, emergency services shall also comply with the requirements of OAC 310:667-29-1 through OAC 310:667-29-2 (relating to emergency service or department and patient transfers.)
 - (ii) For a hospital licensed as a critical access hospital, emergency services shall also comply with OAC 310:667-39-14 (relating to emergency services.)
 - (B) **Stroke Team.** A stroke team shall be identified in writing and shall be on site or immediately available to respond to the emergency department:
 - (i) Stroke team members shall have at least annual training in the care of the stroke patient;
 - (ii) Response time standards for the stroke team shall be established and monitored;
 - (iii) Standard practice protocols for the care of the stroke patient shall be in place, including appropriate administration of an FDA-approved thrombolytic agent within sixty (60) minutes of the arrival of the patient at the emergency department.
 - (C) **Diagnostic imaging.** The hospital shall have diagnostic x-ray and computerized tomography services available twenty-four (24) hours a day. A radiologic technologist and computerized tomography technologist shall be on duty or on call and immediately available twenty-four (24) hours a day. A single technologist designated as qualified in both diagnostic x-ray and computerized tomography procedures by the radiologist may be used to meet this requirement if an on call schedule of additional diagnostic imaging personnel is maintained.
 - (i) For a hospital licensed as a general medical surgical hospital or specialty hospital, diagnostic imaging services shall also comply with the applicable requirements in Subchapter 23 of this Chapter (relating to diagnostic and treatment services.)
 - (ii) For a hospital licensed as a critical access hospital, diagnostic imaging services shall also comply with the applicable requirements in Subchapter 39 of this Chapter (relating to critical access hospitals.)
 - (D) **Clinical laboratory service.** The hospital shall have clinical laboratory services available twenty-four (24) hours a day. All or part of these services may be provided by arrangements with certified reference laboratories provided these services are available on an emergency basis twenty-four (24) hours a day. At least the following shall be available:
 - (i) Standard analysis of blood, urine, and other body fluids to include routine chemistry and hematology testing;
 - (ii) Cerebrospinal fluid, cell count, white blood cell differential, protein, glucose, Gram stain, and antigen testing when appropriate;
 - (iii) Coagulation studies;
 - (iv) Blood gas/pH analysis; and
 - (v) Drug and alcohol screening.
 - (vi) For a hospital licensed as a general medical surgical hospital or specialty hospital, clinical laboratory services shall also comply with the applicable requirements in Subchapter 23 of this Chapter (relating to diagnostic and treatment services.)
 - (vi) For a hospital licensed as a critical access hospital, clinical laboratory services shall also comply with the applicable requirements in Subchapter 39 of this Chapter (relating to critical access hospitals.)
- (2) **Personnel.**

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- (A) **Emergency services director.** The medical staff shall designate a physician credentialed to provide emergency medical care as emergency services director.
- (B) **Neurologist.** A physician board certified, board eligible, or residency trained, in neurology shall be available for consultation on site or immediately available by telephone or other electronic means twenty-four (24) hours a day.
- (3) **Supplies and equipment.** In addition to the requirements at OAC 310:667-59-9(a)(3) (relating to classification of trauma and emergency operative services at Level IV), the hospital shall have the following equipment and supplies on site, functional, and immediately available:
- (A) Seizure control agents;
- (B) Thiamine and glucose for intravenous administration;
- (C) Antipyretics and procedures for reducing body temperature when necessary;
- (D) Sterile procedure trays for lumbar puncture and measurement of intracranial pressure; and
- (E) Thrombolytic agents for treatment of acute nonhemorrhagic stroke.
- (4) **Agreements and policies on transfers.**
- (A) The hospital shall have written policies defining the medical conditions and circumstances for

those emergency patients, which may be retained for treatment in-house, and for those who require stabilizing treatment and transfer to another facility.

(B) If the facility does not have a neurologist, either board certified, board eligible, or residency trained, or group of neurologists similarly qualified, on staff to provide immediate consultative services for emergent stroke patients twenty-four (24) hours a day, the facility shall have a written agreement with a hospital, or a neurologist, either board certified, board eligible, or residency trained, or group of neurologists similarly qualified, to provide such services for emergent stroke patients on a twenty-four (24) hour basis. Such services shall include providing instructions for the initiation of appropriate therapy and/or patient transfer.

(5) **Quality Improvement.** The hospital shall ensure an appropriate quality improvement process is in place to monitor and evaluate the care provided to the critically ill stroke patient, and to provide regular feedback to emergency medical service agencies and referring hospitals on the optimal care of the critically ill stroke patient.

[OAR Docket #08-1212; filed 7-29-08]

Permanent Final Adoptions

An agency may promulgate rules on a permanent basis upon "final adoption" of the proposed new, amended, or revoked rules. "Final adoption" occurs upon approval by the Governor and the Legislature, or upon enactment of a joint resolution of approval by the Legislature. Before proposed permanent rules can be reviewed and approved/disapproved by the Governor and the Legislature, the agency must provide the public an opportunity for input by publishing a Notice of Rulemaking Intent in the *Register*.

Permanent rules are effective ten days after publication in the *Register*, or on a later date specified by the agency in the preamble of the permanent rule document.

Permanent rules are published in the *Oklahoma Administrative Code*, along with a source note entry that references the *Register* publication of the permanent action.

For additional information on the permanent rulemaking process, see 75 O.S., Sections 303, 303.1, 303.2, 308 and 308.1.

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. DRIVER LICENSES AND IDENTIFICATION CARDS

[OAR Docket #08-1219]

RULEMAKING ACTION:

PERMANENT final adoption.

RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card

Part 2. Application for Initial Driver License

580:10-1-3 [AMENDED]

Part 13. Motor License Agents

595:10-1-50 [AMENDED]

595:10-1-51 [AMENDED]

595:10-1-56 [AMENDED]

595:10-1-61 [NEW]

595:10-1-64 [AMENDED]

Part 19. Driver License and Identification Card Content

595:10-1-91 [AMENDED]

595:10-1-93 [AMENDED]

Subchapter 5. Medical Aspects

595:10-5-12 [AMENDED]

Subchapter 9. Certified Schools and Designated Examiners

595:10-9-4 [AMENDED]

595:10-9-5 [AMENDED]

595:10-9-14 [AMENDED]

Subchapter 13. Parent-Taught Driver Education

595:10-13-5 [AMENDED]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

DATES:

Comment Periods:

February 15, 2008, through March 25, 2008

Public Hearing:

March 25, 2008

Adoption:

April 1, 2008

Submitted to Governor:

April 1, 2008

Submitted to House:

April 1, 2008

Submitted to Senate:

April 1, 2008

Gubernatorial approval:

May 8, 2008

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 23, 2008.

Final Adoption:

May 23, 2008

Effective:

September 12, 2008

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card

Part 2. Application for Initial Driver License

580:10-1-3 [AMENDED]

Gubernatorial Approval:

October 2, 2007

Register publication:

25 Ok Reg 2619

Docket number:

08-1154

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

Amendments to this chapter clarify, update, and establish procedures relating to driver licenses and identification cards in general, motor license agent activities, medical aspects of driver licensing, and parent-taught driver education.

The amendments are to existing rules.

The circumstance which created the need for these rules is to provide consistency and clarity in rules regarding requirements in Oklahoma law and federal regulations.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

CONTACT PERSON:

David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2008:

SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD

PART 2. APPLICATION FOR INITIAL DRIVER LICENSE

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

(a) **Application.** Every applicant for an initial Oklahoma driver license must first appear before a Driver License Examiner [47 O.S. §6-110]. An application for a driver license must be completed by the applicant at the Driver License Examination Station prior to the commencement of the required examination. Upon submitting a completed and approved application, providing proof of identity [see (b) regarding required identification documents] and proof that the applicant is a United States citizen, foreign national or a legal permanent

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resident alien [21 O.S., § 1550.42(B)], meeting all statutory requirements, and successfully completing every required examination [see Subchapter 3 of this Chapter relating to examinations], the applicant may then proceed to a motor license agent or the Department of Public Safety Headquarters, Driver License Services Division, with a DL-10 form with primary and secondary identification presented to the examiner, issued by the Driver License Examiner, and pay the required fees and be issued a driver license. A person who has been declared to be a disabled veteran in receipt of compensation at the 100% rate for a permanent disability shall receive an original, renewal, or replacement driver license or identification card at no charge, upon presentation of one of the following documents:

- (1) proof of 100% status from the U.S. Department of Veterans Affairs, or
- (2) a tax exempt card from the Oklahoma Tax Commission showing exemption from state tax based upon 100% status.

(b) **Required identification.** Every applicant must furnish both primary documentary proof of identity [47 O.S., § 6-106(A)(3)], to include whether the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], and secondary documentary proof of identity [47 O.S., § 6-106(A)(3)] and proof of full legal name and birth date beyond any reasonable doubt when applying for an initial Oklahoma driver license [47 O.S. § 6-101(L)]. Any document furnished must be either a certified or original copy and issued by the proper authority; notarized documents will not be accepted. Any document that has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with, or altered in any manner or that can not be read by the Driver License Examiner shall not be accepted or used for identification purposes. All identification documents must be approved by the Examiner before acceptance. The Examiner may, at his or her discretion, request additional identification documentation of the applicant.

(1) **Primary proof of identification for original issuance to a United States citizen.** The following shall be ~~accepted~~ presented by the applicant as primary proof of identification for a citizen of the United States:

(A) ~~Certified~~ A certified birth certificate, as issued by the appropriate state agency from the state of birth. The birth certificate shall include the person's name, date of birth, and sex, shall be signed and sealed, and shall include the certificate number. The following documents are not acceptable:

- (i) a hospital birth certificate or record,
- (ii) a birth registration, or
- (iii) an abstract of birth, unless the abstract is issued on secure document paper and contains the following statement "I hereby certify that this abstract of birth facts has been provided to this office by the Department of Health, Bureau of Vital Statistics, from a document officially in its custody", or for

(B) A United States passport.

(C) For a United States citizen who is born in another country, a certification issued by the United

States Department of State or a state birth certificate issued for a birth outside of that state. ~~The birth certificate shall include the person's name, date of birth, and sex, shall be signed and sealed, and shall include the certificate number. A hospital birth certificate or record shall not be accepted. A birth registration is not acceptable. If an applicant was born outside the United States, he or she shall show proof of lawful presence. If a United States citizen was born outside the United States, he or she must show, or~~

(D) For a naturalized citizen of the United States, proof of citizenship such as a certification issued by the United States Department of State or a birth certificate issued by a United States jurisdiction, or a United States passport a Certificate of Naturalization issued by the United States Citizenship and Immigration Service. The name on the document must be the same as the name used by the applicant on the driver license or identification card,

(E) An Oklahoma driver license issued by Department of Public Safety on or after November 1, 2007,

(F) A State of Oklahoma identification card issued by the Department of Public Safety on or after November 1, 2007, or

(G) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor or Director, and listed on the DL-10 form by the Driver License Examiner.

(2) **Primary proof of identification for renewal or replacement issuance to a United States citizen.** The following shall be presented by the applicant as primary proof of identification for a citizen of the United States:

(A) Finger image comparison, if a Department-generated finger image algorithm is already on file with the Department,

(B) Any primary proof of identification listed in (1) of this subsection, or

(C) No document need be presented if the applicant is personally known by the motor license agent.

(B3) ~~Passport.~~ **Primary proof of identification for original, renewal, or replacement issuance to a foreign national or legal permanent resident alien.** The following shall be presented by the applicant as primary proof of identification and proof of lawful presence in the United States for a foreign national or legal permanent resident alien:

(A) A passport issued by a country other than the United States and I-94 card, when applicable. The name on the passport must shall be the same as the name used by the applicant on the driver license or identification card. An I-94 card, which must shall be accompanied by the applicant's passport when applicable, shall not be considered a separate identification document. The following passport classifications shall not be accepted for the purpose of issuing a driver license or identification card:

- (i) B-1, temporary visitor for business,

- (ii) B-2, temporary visitor for pleasure,
- (iii) C-1, alien in continuous transit through the United States,
- (iv) C-2, alien and family in transit to the United Nations,
- (v) C-3, foreign government official and family transiting the United States,
- (vi) D-1, member of ship's crew who can not change ships or employers,
- (vii) D-2, member of ship's crew who may change ship's or employers,
- (viii) I-185/586, Mexican or Canadian nationals with border crossing, cards
- (ix) I-444, Mexican or Canadian nationals with border crossing cards,
- (x) Q, international cultural exchange visitor,
- (xi) TWOV, transit without visa,
- (xii) WT, visa waiver pilot program for tourist, or
- (xiii) WB, visa waiver pilot program for business, or
- ~~(C) Identification documents issued by the United States Armed Services:~~
 - ~~(i) Military discharge (DD-214), unless specified not to be used for identification,~~
 - ~~(ii) Military identification card, or~~
 - ~~(iii) Military dependent identification card,~~
- ~~(D) United States Bureau of Indian Affairs identification card or a Oklahoma tribal photo identification card which identifies the person and includes the following information:~~
 - ~~(i) color photograph of the person,~~
 - ~~(ii) full legal name of the person,~~
 - ~~(iii) birth date of the person,~~
 - ~~(iv) signature of the person,~~
 - ~~(v) signature of person who verifies records, and~~
 - ~~(vi) tribal seal.~~
- ~~(E) State of Oklahoma identification card issued by the Department of Public Safety,~~
- ~~(F) Documents An alien registration card issued by the United States Citizenship and Immigration and Naturalization Service. The name on the document must card shall be the same as the name used by the applicant on the driver license or identification card:~~
 - ~~(i) Citizenship naturalization documents, or~~
 - ~~(ii) Alien registration card,~~
- ~~(G) Out of state driver license,~~
- ~~(H) Oklahoma driver license, or~~
- ~~(I) Finger image comparison, if a Department generated finger image is already on file with the Department,~~
- ~~(J) The applicant is personally known by the motor license agent (renewal or replacement only), or~~
- ~~(K) If none of the forms of identification listed in this paragraph are available, any other documentation~~

as approved by the Driver License Examiner Supervisor or Director, and listed on the DL-10 form by the Driver License Examiner.

~~(24) Secondary proof of identification.~~ The following shall be ~~accepted~~ presented by the applicant as secondary proof of identification:

- ~~(A) Any primary proof of identification listed in (1), (2), or (3), as applicable, of this subsection which is not used as the primary identification document of the applicant,~~
- ~~(B) For any person under the age of 18, an affidavit signed by the parent or legal guardian,~~
- ~~(C) Photo identification card that is issued by an Oklahoma:~~
 - ~~(i) public, private, or parochial secondary school,~~
 - ~~(ii) institution of higher education,~~
 - ~~(iii) technology center school, or~~
 - ~~(iv) employer,~~
- ~~(D) Oklahoma gun permit,~~
- ~~(E) Pilot license,~~
- ~~(F) Oklahoma lifetime hunting or fishing license,~~
- ~~(G) Oklahoma voter identification card,~~
- ~~(H) Social Security card,~~
- ~~(I) Health insurance card,~~
- ~~(J) Motor vehicle registration or title,~~
- ~~(K) Marriage certificate,~~
- ~~(L) Separation or divorce judgment,~~
- ~~(M) High school, technology center school, college, or university diploma~~
- ~~(N) Professional degree, certificate, or license,~~
- ~~(O) Deed or title to property in Oklahoma, including a burial plot deed,~~
- ~~(P) Health, life, or home insurance policy issued to the applicant,~~
- ~~(Q) Automobile insurance policy or security verification form issued to the applicant,~~
- ~~(R) A valid U.S.D.O.T. health card, as required by 49 C.F.R. Part 391,~~
- ~~(S) Digital photograph comparison, if a Department-generated digital photograph is already on file with the Department,~~
- ~~(T) The No document need be presented if the applicant is personally known by the motor license agent, or~~
- ~~(U) Identification documents issued by the United States Armed Services:~~
 - ~~(i) Military discharge (DD-214), unless specified not to be used for identification,~~
 - ~~(ii) Military identification card, or~~
 - ~~(iii) Military dependent identification card,~~
- ~~(V) United States Bureau of Indian Affairs identification card or a Oklahoma tribal photo identification card which identifies the person and includes the following information:~~
 - ~~(i) color photograph of the person,~~
 - ~~(ii) full legal name of the person,~~
 - ~~(iii) birth date of the person,~~

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- (iv) signature of the person,
- (v) signature of person who verifies records,
- and
- (vi) tribal seal,

(W) Out-of-state driver license, if the issuing state participates in the REAL ID Act of 2005, or

(X) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor or Director, and listed on the DL-10 form by the Driver License Examiner,

(35) **Additional identification requirements.** The Department may require additional identification documents:

- (A) when the Department is unable to determine the reliability or validity of the identification document(s) presented, or
- (B) as provided in OAC 595:10-1-35.

(c) **Driver license numbers.**

(1) Driver license numbers will be assigned by computer. Use of the applicant's Social Security number as the driver license number is prohibited [47 O.S. § 6-106(B)].

(2) Any licensee may request to change his or her driver license number to any nine-digit number by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement license [see OAC 595:10-1-18 regarding replacement driver licenses]. The driver license number may be changed no more than two (2) times in any four-year period without prior approval of the Driver License Fraud Division of the Department.

PART 13. MOTOR LICENSE AGENTS

595:10-1-50. Identification required

(a) **General requirements.** Anyone applying for a renewal or replacement driver license or identification card must furnish documentary proof of identity, name, and birth date [47 O.S. §§ 6-114 and 6-115].

(b) **Required identification to renew driver licenses and identification cards.**

(1) **Renewal with expiring or expired driver license or identification card.** The expiring or expired driver license or identification card shall be surrendered as the primary identification. The person must provide secondary identification as prescribed in OAC 595:10-1-3(b)(2).

(2) **Renewal without driver license or identification card.** Any person who does not have the expiring or expired driver license or identification card shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(c) **Required identification to replace lost, stolen, or mutilated driver licenses and identification cards.** Any person, shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(d) **Required identification to change information and replace driver licenses and identification cards.**

(1) **Name change.** Any person who requests a replacement driver license or identification card in order to make a name change must comply with the primary and secondary identification requirements prescribed in OAC 595:10-1-3(b), and with OAC 595:10-1-35. The person requesting the name change may retain the old license or card as provided in OAC 595:10-1-57 (e).

(2) **Address change.** Any person who requests a replacement driver license or identification card in order to make an address change must provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b). The person requesting the address change may retain the old license or card as provided in OAC 595:10-1-57 (e).

(3) **Endorsement or restriction change.** Any person who requests a replacement driver license in order to change endorsement or restriction information on the license shall provide a DL-10 form issued by the Department, except for the removal of Restriction G. The person requesting the information change the old license as provided in OAC 595:10-1-57 (e).

(e) **Permissible documents.** Any document accepted shall be either the original or a certified copy of the primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(f) **Unacceptable documents.** Any document which has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with or altered in any manner or that can not be read shall not be accepted or used for identification purposes.

595:10-1-51. Operational procedures

(a) The driver license computer, camera, printer, and other hardware, software, and supplies used in the production of driver licenses and identification cards shall be used solely for the issuance of Oklahoma driver licenses or identification cards.

(b) At the close of business each day, the agent shall remove the top "clam shell" and lock it in a safe place and shall also destroy all used color print ribbon.

(c) Only persons who have been issued a personal access code by the Department of Public Safety shall be authorized to issue or make changes to driver licenses or identification cards. Agents shall not submit applications for personal access codes for employees who are not at least eighteen (18) years of age. Personal access codes shall not be assigned to anyone under the age of eighteen (18). On and after the Commissioner's approval of this rule, each application for a personal access code submitted by an agent to the Department shall be given temporary approval to issue driver licenses and identification cards, pending an investigation of the applicant's state criminal records by the Department. The Department shall cancel the access code upon determination the person's state criminal history does not warrant certification, based upon the presence in the history of misdemeanor convictions and of any felony conviction, to issue driver licenses or identification cards. If no record is found within state criminal records, the temporarily approved applicant shall submit to a national criminal history records search, as defined by Section 150.9 of

Title 74 of the Oklahoma Statutes, from the Oklahoma State Bureau of Investigation for that employee which shall be used to determine whether the employee is eligible for a personal access code. The Department shall cancel the access code upon determination the person's national criminal history does not warrant certification, based upon the presence in the history of misdemeanor convictions and of any felony conviction, to issue driver licenses or identification cards. If no record is found within national criminal records, the applicant shall be given regular approval to issue driver licenses and identification cards. Personal access codes shall be kept confidential by the employee and agent. Personal access codes shall be used only by the person to whom the code has been assigned. New employees whose duties are intended to include the issuance of driver licenses and identification cards shall first apply for a personal access code from the Department of Public Safety as provided for in this subsection; provided, no employee shall be authorized to issue driver licenses and identifications cards unless approved by the Department and a personal access code has been issued to the employee. The agent shall be responsible for training new employees. The Department may offer periodic training programs as needed. The agent will be responsible for the conduct of the employee.

(d) Any substitution of equipment or alteration in the making of a driver license or identification card is prohibited by law, and may be subject to criminal prosecution. Licenses or cards shall be made in accordance with specifications as determined by the Department. If they do not meet these specifications, the agent or the employee shall not issue the license or card.

(e) Reports shall be forwarded to the Driver License Services Division in accordance with the rules of the Oklahoma Tax Commission or as prescribed by law.

(f) If the agency relocates, the agent shall immediately notify the Department of Public Safety in writing of the new address and telephone number. The Department will contact the agent and schedule a time to set up the agency at the new location and provide any training necessary to the agency.

(g) In the event of loss, theft, or misuse of any of the equipment, supplies, or documents, or any violation of state law, Department rule, or other improper conduct related to the issuance of driver license or identification cards, the Department of Public Safety, Driver License ~~Services-Examining~~ Division, shall be notified immediately by telephone at (405) 425-2034 ~~425-7745~~. In case of loss or theft the agent shall take an immediate inventory of all driver license documents on hand and list all missing items and equipment by number, when applicable. A copy of missing inventory, police investigation, and/or incident report shall be immediately forwarded to the Department of Public Safety, Driver License ~~Services-Examining~~ Division. In cases of misuse, the agent must immediately contact the ~~Fraud Investigation~~ Driver License Examining Division, Identity Verification Unit of the Department of Public Safety by telephone at (405) 425-2477. If the agent is unable to contact this unit, then the Driver License ~~Services-Examining~~ Division ~~must~~ shall be notified by telephone at the number listed above.

(h) Agents are prohibited from accepting an altered driver license application (DL-10 form) or any other altered or unapproved document for the issuance of an Oklahoma driver license or identification card.

(i) When an agency closes, any equipment, supplies, and documents issued to the agent by the Department of Public Safety must be accounted for and returned to the Department of Public Safety.

(j) Each employee is to be made aware by the agent of the penalties for misuse of driver license documents or identification cards and any production of fraudulent and erroneous driver licenses or identification cards.

(k) When it comes to the attention of the Department of Public Safety that any agent or an employee of an agency is in violation of any statute or rule or has committed any fraudulent act regarding the issuance of driver licenses or identification cards, after consultation with the Commissioner's office, the Director of the Driver License Services Division may notify the motor license agent, the Tax Commissioner, and the appointing senator that the access code number(s) may be canceled or suspended and/or the camera may be removed. In accordance with the Administrative Procedures Act, a hearing before the Commissioner or the Commissioner's designee will be offered, provided the Director of the Driver License Services Division is notified in writing within fifteen (15) days of receipt of notification. The issue at the hearing will be whether or not a violation occurred and the severity of the sanction which should be imposed.

(l) The following changes or activities are not authorized at an agency without other authority:

- (1) Driver license number or identification card number, except when changing to a computer generated number,
- (2) Sex,
- (3) Eye color,
- (4) Race,
- (5) Date of birth,
- (6) Class of license,
- (7) Endorsement,
- (8) Extension of expiration on driver license or identification card,
- (9) Temporary receipt or authorization to drive for lost license while application is in process,
- (10) Taking photographs for other identification cards (for example: police, fire, sheriff, passport, etc.),
- (11) Adding titles to names, such as Sheriff, Police Officer, Judge, Senator, Representative, Dr., Rev., Fireman, etc.,
- (12) Adding addresses or information to indicate professional status on the face of the driver license or identification card such as JOHN DOE, OKLAHOMA HIGHWAY PATROL or ROBERT DOE, M.D. All addresses must be the legal mailing residence address [47 O.S. § 6-106]. Any combination of ~~mailing address and~~ residence ~~or physical and mailing~~ address is prohibited,
- (13) Placing anything on a driver license or identification card, such as stickers of civic clubs, medical symbols,

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etc., except those approved by the Department of Public Safety,

(14) Producing more than one (1) driver license or identification card for the applicant at the time of application,

(15) Adding service charges to an application fee for any reason other than actual cost for telephone calls made for the applicant to obtain approval to issue the driver license or identification card, or

(16) Providing information from the driver license or identification card application to private businesses, government agencies, or persons other than the Department of Public Safety, unless authorized by the Department.

(m) No documents shall be removed from the office of the motor license agent by anyone unless authorized by the Driver License Services Division. If this situation arises, telephone the Division at (405) 425-2034 to obtain authority to comply with any request.

(n) Rules in this Chapter regarding motor license agents are specific and limiting. Whenever an action either is not included or is not prohibited, it shall not be construed to convey authority to perform that action within the duties, responsibilities, or authority of the motor license agents.

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

(a) **Normal renewal procedure.** If an applicant presents proper identification [see OAC 595:10-1-51 regarding identification documents required], the agent may accept the required remittance for the class of driver license or the identification card being issued, make any changes necessary that have been authorized and issue the driver license or identification card. If the licensee presents an Oklahoma driver license or the card holder presents an Oklahoma identification card as a form of identification, the agent shall:

(1) return the expired license or card, if requested by the licensee and after first punching a hole through the identification number on the license or card, or

(2) if the licensee does not wish to retain the expired license or card, return it with the agent's regular reports to the Driver License Services Division of the Department.

(b) **Early renewal.** An individual may make application for the renewal of his or her license or card not more than six (6) months prior to the expiration date of the license or card. If the application for renewal occurs more than six (6) months prior to the expiration date, the agent shall notify the individual that the transaction must be treated as a replacement under the provisions of OAC 595:10-1-57. The agent shall:

(1) return the expired license or card, if requested by the licensee and after first punching a hole through the identification number on the license or card, or

(2) if the licensee does not wish to retain the expired license or card, return it with the agent's regular reports to the Driver License Services Division of the Department.

(c) **Late renewal.** An individual who makes application for renewal but whose license or card has been expired in excess of three (3) years shall be referred by the agent to a Driver License Examiner.

(d) **Renewal of expired license.** Oklahoma licensees and card holders, whose license or identification card has not expired, who are temporarily out of the state of Oklahoma and wish to renew or replace their Oklahoma license or identification card by mail ~~may do so through any motor license agent shall be referred to the Driver License Examining Division of the Department of Public Safety. The motor license agent shall follow the procedures in OAC 595:10-1-12, 595:10-1-19, or 595:10-1-28, as applicable. Only digital driver license and identification cards shall be processed for renewal or replacement by a motor license agent. All other requests shall be referred to the Driver License Services Division of the Department of Public Safety. All license and cards shall be printed and mailed by the Department. All documentation relating to the renewal or replacement of a license or card by mail shall be forwarded to the Department with the agent's regular reports. Only digital driver license and identification cards shall be processed for renewal or replacement by a motor license agent.~~

(e) **Previous Oklahoma licensees and card holders.** An individual who has previously held an Oklahoma Class D driver license which has been surrendered to another state in exchange for the other state's license or who has previously held an Oklahoma identification card, may apply directly to a motor license agent for replacement or renewal of the previous Oklahoma license or identification card, upon establishing Oklahoma residence and following the applicable procedures for replacement or renewal. Before attempting to issue a driver license under this subsection, the agent shall call the Driver License Services Division and request clearance to issue the license. If clearance is not given, the person shall be informed to contact the state whose action is causing the clearance to be withheld. If the clearance is given by the Department, the person shall surrender the out of state license to the agent, and the agent shall issue the Oklahoma license. If the out of state license has been lost or destroyed, the person shall provide to the motor license agent a notarized affidavit of that fact. The agent shall retain the license or affidavit, as applicable, and submit it to the Department with the agent's report. This procedure applies to a Class D driver license or identification card only.

(f) **CDL renewal.** Class A, B and C licensees shall appear before a Driver License Examiner.

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

(a) Any person requesting a renewal of a driver license which has expired in excess of three (3) years, is required to take an examination. The applicant shall present proper identification to a Driver License Examiner. Upon successful completion of the examination, the Driver License Examiner shall issue a DL-10 form to the applicant. The applicant shall present the DL-10 form, along with the identification presented to the Driver License Examiner, to a motor license agency for issuance of a driver license.

(b) The motor license agent shall accept the DL-10 form as authority to issue an Oklahoma driver license and shall issue the license in the same manner as any original license as provided in this chapter.

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

- (a) Anyone wishing to obtain an identification card may make application to a Driver License Examiner or, if the applicant has been issued a digital driver license for at least thirty (30) days, may appear before a motor license agent. For the process of obtaining and issuing an identification card, applicants and motor license agent shall follow the same rules as set forth in 595:10-1-25 through 595:10-1-27.
- (b) Motor license agents shall process identification cards in the same manner as processing driver licenses.
- ~~(c) Identification cards may be renewed, regardless of the expiration date, as long as the application is on file with the Department of Public Safety and proper identification is presented. Identification card renewals shall be processed as provided in 595:10-1-56.~~

- length of the name, only the Department of Public Safety shall have authority to determine the abbreviation used,
- (3) ~~mailing~~ residence address,
- (4) signature,
- (5) sex,
- (6) date of birth,
- (7) weight,
- (8) height,
- (9) color of eyes,
- (10) "ID" to indicate identification card,
- (11) identification card number,
- (12) identification card issue date,
- (13) identification card expiration date,
- (14) date upon which the person reaches twenty-one (21) years of age and the words "UNDER 21" [47 O.S. §6-101.1(A)] (if applicable), and
- (15) organ donor indicator (if applicable).

PART 19. DRIVER LICENSE AND IDENTIFICATION CARD CONTENT

SUBCHAPTER 5. MEDICAL ASPECTS

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

Each driver license will display the following information about the person to whom the license was issued [47 O.S. §6-111(A)]:

- (1) color photo,
- (2) full legal name in the order [last], [first] [middle]. No initial shall be used unless the initial is the legal name of the person. If any abbreviation is required due to the length of the name, only the Department of Public Safety shall have authority to determine the abbreviation used,
- (3) ~~mailing~~ residence address,
- (4) signature,
- (5) sex,
- (6) date of birth,
- (7) weight,
- (8) height,
- (9) color of eyes,
- (10) driver license class,
- (11) driver license number,
- (12) driver license issue date,
- (13) driver license expiration date,
- (14) any driving restriction code(s) (if applicable),
- (15) any driver license endorsement(s) (if applicable),
- (16) date upon which the person reaches twenty-one (21) years of age and the words "UNDER 21" [47 O.S. §6-101.1(A)] (if applicable), and
- (17) organ donor indicator (if applicable).

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

(a) **Informal interview.** ~~When a person's record on file with the Department of Public Safety indicates two suspensions and/or revocations occurring within any five year period for any of, or any combination of, the following, not arising out of the same transaction or incident, the A person may be advised, in writing, to appear for an informal interview before a representative of the Department of Public Safety if, within the immediately preceding ten (10) years, the driving record of the person on file with the Department indicates two suspensions, revocations, or convictions, or any combination thereof, not arising out of the same event or incident, for the following:~~

- (1) A conviction in any court for driving or being in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance.
- (2) A revocation for refusal to submit to a breath, blood or other test or tests for determining concentration of alcohol or other intoxicating substance [47 O.S. §§ 6-205.1 and 753].
- (3) A revocation for an alcohol concentration which exceeds the legal limit [see 47 O.S. §§6-205.1 and 754 regarding the legal alcohol concentration limit].
- (4) A conviction in any court for driving while impaired.

(b) **Interview.**

(1) When an interview is conducted, the purpose will be to review the driving record of the person and to explain the Department's guidelines relative to alcohol and/or other intoxicating substance abuse. The interview will be conducted in person or by telephone. The person will be advised that, should his or her driving record ever reflect three or more suspensions ~~and/or~~ revocations, convictions, or any combination thereof, as set forth in (a) of this Section, occurring within any ~~five-year~~ ten-year

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

Each identification card will display the following information about the person to whom the card was issued [47 O.S. §6-111(A)]:

- (1) color photo,
- (2) full legal name in the order [last], [first] [middle]. No initial shall be used unless the initial is the legal name of the person. If any abbreviation is required due to the

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period and resulting from any incidents, the Department will classify the person as an excessive user and inimical to public safety. The absence of an interview shall not prevent action on the person's privilege to drive.

(2) In the event the person's driving record does reflect a third suspension ~~or~~ revocation, or conviction within in any ~~five-year~~ ten-year period resulting from any incident or combination of incidents set forth in (a) of this Section, the person will be classified as an excessive user and inimical to public safety. The Department may advise the person, in writing, that before future consideration will be given regarding the return of the driving privilege, the person must keep the alcohol and/or other intoxicating substance problem completely under control for one year preceding application for reinstatement of driving privileges. Once this has been accomplished the person must appear for an interview before a representative of the Department for consideration to determine whether returning of the driving privilege is consistent with public safety.

(A) If at the time of the interview it appears the person has had the alcohol and/or other intoxicating substance problem under control for one year and does not have another ailment which would prohibit driving, three or more notarized affidavits will be furnished by the person to the Department to confirm the control issue. These affidavits shall be completed by responsible citizens who know the person well, such as the current spouse, an A.A. sponsor, the current employer, a law enforcement officer, or a physician, psychiatrist, or psychologist. The Department may also require the person to furnish an assessment of alcohol or substance abuse by a psychologist or substance abuse rehabilitation counselor.

(B) When the person is otherwise eligible for reinstatement and, after investigation of the character, habits, and driving ability of such person, the Department is satisfied it will be consistent with public safety to grant the privilege of driving a motor vehicle, a restricted driver license may be issued to the person, provided all statutory requirements are met.

(i) The person must continue to abstain from the use of all alcohol and/or other intoxicating substances during the period driving privileges are granted under a restricted driver license. At the discretion of the Commissioner, each time the restricted driver license is reviewed, the licensee ~~shall~~ may be required to appear in person before a representative of the Department and be provided an informal interview on the issue of abstinence. On or after September 1, 2005, any person who becomes classified as an excessive user or any person previously classified who violates the restricted driver license program shall be required to provide proof of installation of an ignition interlock device at the person's own expense, approved by the Board of Test for Alcohol and Drug Influence as prescribed in OAC 40:50-1-11, on all vehicles operated by the person, including employers vehicles

which the person would operate unless the person meets the employee/employer's exceptions noted in 47 O.S., § 6-212.3.B. The period, commencing on the date the person is reinstated, for which the ignition interlock is required shall be twelve (12) months. If the employer does not approve the device being installed on company vehicles, the employer must request in writing that the device not be installed on company vehicles.

(I) The request by the employer shall be on company letterhead stationary, signed by an officer or owner of the company and notarized. The letter shall list the employee's name, license number, date of birth, and a description of the vehicles the employee will be operating, along with the tag number evidencing the vehicle is company owned. The letter must specifically request that the ignition interlock not be installed on these vehicles.

(II) The employee shall have a copy of the letter in their possession when operating the employer's vehicles, and shall present the letter to any law enforcement officer they come into contact with.

(ii) The restricted driver license instructs any law enforcement officer to forward a report of an alcohol or other intoxicating substance related incident to the Department. The licensee shall drive with a restricted driver license for a minimum of two (2) years.

(iii) If the restricted driver license is withdrawn for use of alcohol and/or other intoxicating substance incidents or committed any violation as defined by OAC 40:50-1-1(uu), the licensee shall not be considered for a second issuance until satisfactory proof is shown once again that the person has gone one (1) year with the alcohol and/or other intoxicating substance abuse problem under control. At the time of reinstatement the person will again be required to comply with the installation of an ignition interlock device as provided in paragraph (i) above.

(iv) When two restricted driver licenses have been withdrawn for subsequent alcohol or other intoxicating substance incidents or committed any violation as defined by OAC 40:50-1-1(uu), before the licensee can be considered for a third restricted driver license, proof must be shown that the problem has been under control for eighteen (18) months. In addition, verification of successful completion of a rehabilitation program at an approved treatment center will be required. At the time of reinstatement he the person will again be required to comply with the installation of an ignition interlock device as provided in paragraph (i) above.

(3) As used in this subsection, the term "control" means complete abstinence from the use of alcohol and/or other intoxicating substance for a minimum of one year.

(c) **Reinstatement.**

(1) Removal of the ignition interlock device and restricted driving privileges, and the issuance of an unrestricted driver license, if the person is otherwise eligible requires the following:

(A) The person shall successfully complete the twelve-month period of interlock device installation, and if no further withdrawal of driving privileges has occurred pursuant to (b), the restriction requiring the interlock device shall be removed from the person's driving record. The person may have the device removed from all vehicles so equipped, unless otherwise required by any court order. The person shall provide the vendor with proof of removal of the ignition interlock device restriction. Such proof may be correspondence from the Department stating the restriction has been removed or a Motor Vehicle Report issued by the Department reflecting no ignition interlock device restriction; and

(B) Satisfactory completion of all other statutory requirements including payment of the statutory fee for the cost of a replacement driver license, if issued.

(2) In the event a person who has been classified as an excessive user becomes a legal resident of another state or driver license jurisdiction, the person may be considered for reinstatement provided the following criteria is met:

(A) An affidavit is furnished to the Driver Improvement Division of the Department stating the licensee is a permanent resident of another state or driver license jurisdiction, and has abstained from the use of alcohol or other intoxicating substance for a minimum of one year,

(B) A psychologist or drug rehabilitation counselor must submit a report based on an assessment performed within the last sixty (60) days indicating:

- (i) the person is successfully dealing with the alcohol/substance abuse problem; and
- (ii) it is the counselor's opinion that the person would be a reasonable or safe risk to operate a motor vehicle and

(C) All statutory requirements regarding reinstatement have been met including but not limited to the installation of an ignition interlock as provided in paragraph B(i) above.

(d) **Denial of driving privileges.** Any person failing to meet the requirements for a restricted driver license shall be denied driving privileges pursuant to 47 O.S. § 6-103.

SUBCHAPTER 9. CERTIFIED SCHOOLS AND DESIGNATED EXAMINERS

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

(a) **Requirements and application for certification.** A high school or technology center school may apply for certification as a certified school. The applying school must meet the following requirements:

(1) Be actively enrolling students and teaching a formal course of instruction for school bus drivers training as approved by the State Board of Education or truck driver training as approved by the Oklahoma Board of Career and Technology Education.

(2) Obtain written approval from:

- (A) the State Board of Education, if the school is a high school, or
- (B) the Oklahoma Board of Career and Technology Education, if the school is a technology center school.

(3) Submit an application to the Department on a form prescribed by the Department [see 595:10-9-13].

(4) Have its on-site examination route or routes examined and approved by an employee of the Department. A route:

(A) must start and end on the premises or property of the certified school, unless otherwise approved by the Department,

(B) must meet all state and federal requirements,

(C) may not be altered or changed in any manner without first being examined and approved by the Department, and

(D) may not be replaced by an alternate route unless the alternate route is first examined and approved by the Department. If, during the course of the examination, it is determined that any of the approved routes could not be followed, the designated examiner shall notify the Department in writing as soon as possible as to the reason for the change in route.

(5) Agree to:

(A) meet minimum examination standards required by the Department and by the Federal Motor Carrier Safety Regulations [49 C.F.R. § 383];

(B) allow access to school facilities by the Department and by the Federal Motor Carrier Safety Administration for the purpose of monitoring examinations and examining records;

(C) comply with the Oklahoma Open Records Act [51 O.S., Section 24a.1 et seq.] with regard to records kept pursuant to this Subchapter;

(D) maintain security of examination documents and related material as deemed necessary by the Department;

(E) ensure all examinations are administered by a designated examiner;

(F) ensure designated examiners administer the examination only to driver license applicants who:

- (i) have enrolled in and successfully completed a formal course of instruction, as submitted

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to and approved by the Department, at the institution where the designated examiner is employed and certified, and

(ii) have an Oklahoma restricted commercial driver license and Oklahoma Class D driver license;

(G) ensure no person acts as a designated examiner without current certification from the Department;

(H) provide immediate written notification to the Department of any impropriety or misconduct of any designated examiner employed by the school;

(I) acknowledge that the Department reserves the right to take prompt and appropriate remedial action against the certification of any school or of any designated examiner in the event that the school or the designated examiner fails to comply with:

(i) any state law, Department rule, or federal regulation regarding the examination of an applicant for an Oklahoma Class A, B, or C commercial driver license, or

(ii) any terms of the appropriate memorandum of understanding or of a subsequent contract or agreement entered into pursuant to the memorandum of understanding;

(J) maintain records of all designated examiners employed by the school and copies of all documents relating to examinations administered for a period of not less than three (3) years;

(K) immediately notify the Department by telephone, followed by written notification within five (5) days, of the termination of employment of any designated examiner. The official seal of the Department, and the certificate and identification card issued by the Department to the designated examiner shall be returned to the Department with the written notification;

(L) immediately notify the CDL Coordinator within the Driver License Examining Division of the Department by telephone or first-class mail of any fraudulent applications made to them to obtain an Oklahoma commercial driver license; and

(M) acknowledge that the Department reserves the right to randomly reexamine applicants tested by designated examiners for purposes of quality assurance.

(b) **Certification.** Upon acceptance and approval by the Department of the application for certification from a high school or technology center school, or upon acceptance and approval by the Department of the application for renewal of certification from a certified school, and upon completion to the satisfaction of the Department by the school of all other requirements for certification, the Department will provide the certified school with a certificate evidencing approval by the Department as a certified school. The certificate shall be posted at the examination location at the certified school and in full view of the public. The certificate shall be valid for five (5) years.

(c) **Renewal of certification.** A certified school may apply for renewal of certification as a certified school. The school must meet the following requirements:

(1) Have evidence on file with the Department of a satisfactory on-site inspection conducted by an employee of the Department prior to renewal.

(2) Employ at least one designated examiner.

(3) Submit an application for renewal on a form prescribed by the Department no later than December 1 of the year of expiration [See 595:10-9-13].

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

(a) **Requirements and application for certification.** A driver training instructor may apply for certification as a designated examiner. The applicant must meet the following requirements:

(1) Meet all the requirements for a Driver License Examiner of the Department [47 O.S. §2-106(c) and (d)].

(2) Complete an application provided by the Department [see 595:10-9-13] and submit a certified criminal history report from the Oklahoma State Bureau of Investigation certified within the immediately preceding thirty (30) days and, if the applicant has not lived in Oklahoma for the immediately preceding five (5), a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.

(3) Be employed by a certified school.

(4) Have and maintain throughout the time period to be covered by the certification:

(A) a valid Oklahoma commercial driver license for the class or classes of vehicle, including any endorsement or endorsements, for which the instructor desires to administer examinations; provided, the applicant shall not be required to have a hazardous materials endorsement (Endorsement H),

(B) in order to administer school bus examinations, a current School Bus Workshop Instructor Certificate issued by the State Board of Education,

(C) in order to administer truck examinations, a current certificate issued by the Oklahoma Board of Career and Technology Education showing the applicant has met the current requirements.

(5) Successfully complete a course of instruction prescribed by the Department [see 595:10-9-6].

(6) Meet the same vision standards as for Driver License Examiners of the Department.

(7) Have full use of both upper and lower extremities.

(8) Shall pass knowledge and skills examinations administered by the Department of Public Safety. If the applicant fails to pass either required examination after three (3) attempts, the applicant shall be denied certification as a designated examiner and may reapply after a twelve-month waiting period.

(9) Agree to submit monthly reports, by the tenth business day of the following month, to the Department detailing examining activity.

(b) **Ineligibility based upon driving record or criminal record.** A driver training instructor shall be deemed to be ineligible for certification as a designated examiner upon evidence of a record of any of the following convictions:

- (1) Two (2) or more convictions for a moving traffic offense within the twelve (12) months immediately preceding the application.
- (2) Any alcohol- or drug-related conviction requiring the Department to revoke, suspend, or disqualify the instructor's driving privilege within the five (5) years immediately preceding the application.
- (3) Any conviction for any offense which required or will require the Department to take any type of action against the instructor within the three (3) years immediately preceding the application, including, but not limited to:
 - (A) a warning letter, or
 - (B) a revocation, suspension, cancellation, denial or disqualification of the instructor's driving privileges.
- (4) Any of at least six (6) months from the date the examiner was notified he or she was not a misdemeanor conviction, except for a misdemeanor conviction for a traffic offense, within the five (5) years immediately preceding the application.
- (5) Any felony conviction in this state or any other state or country.

(c) **Certification.** Upon acceptance and approval by the Department of the application for certification from a driver training instructor, or upon acceptance and approval by the Department of the application for renewal of certification from a designated examiner, and upon completion to the satisfaction of the Department by the instructor or designated examiner of all other requirements for certification, the Department will provide the designated examiner with:

- (1) a certificate evidencing approval by the Department as a designated examiner, which shall be posted at the examination location at the certified school and in full view of the public. The certification will be valid for ~~three (3)~~ four (4) years.
- (2) an identification card to be carried by the designated examiner whenever the examiner is administering an examination.
- (3) an official seal to be used by the designated examiner to be used as provided in 595:10-9-14.

(d) **Renewal of certification.**

- (1) A certified designated examiner shall be eligible for renewal of certification if the examiner:
 - (A) submits an application for certification renewal upon a form provided by the Department no later than December 1 of each year [see 595:10-9-13],
 - (B) submits a certified criminal history report from the Oklahoma State Bureau of Investigation certified within the immediately preceding thirty (30) days and, if the applicant has not lived in Oklahoma

for the immediately preceding five (5), a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.

(C) submits a current copy of the State Department of Education instructor certificate.

(D) is currently employed by a certified school,
(E) currently meets the requirements and standards of the Department as prescribed by this Subchapter,

(F) administered fifteen (15) or more examinations within the twelve (12) months immediately preceding the application for renewal of certification, and

(G) has passed all the written and the driving skills examinations for the class or classes of vehicle for which the designated examiner administers the examination. The examinations must be taken and passed every four (4) years, with a score of 80% or higher. If the applicant fails to pass either of the required examinations after three (3) attempts, the applicant will be denied recertification and may reapply after a twelve-month waiting period.

(2) Any driver training instructor who was previously certified as a designated examiner and whose previous certification has been expired for not more than one (1) year may make application for renewal of certification as provided in paragraph (1) of this section.

(3) Any designated examiner who does not qualify for renewal of certification may apply, after a period of at least ~~six (6) months~~ one (1) year from the date the examiner was notified he or she was not qualified for renewal of certification, for certification as a designated examiner and must meet all requirements as for an initial application for certification as a designated examiner.

595:10-9-14. Official seal

(a) The Department will provide its official seal to each designated examiner. The certified school shall provide its official seal to each designated examiner it employs. The seals shall be imprinted upon each approved Oklahoma Driver License Application (DPS Form DL-18-CT) signed by the designated examiner as a part of the examiner's verification of each examination administered to the applicant whose name appears on the application form. ~~The official seal of the Department will bear certification number of the designated examiner to whom the official seal was issued.~~

(b) If the designated examiner does not renew certification as a designated examiner, or leaves the employment of or is terminated from employment by the certified school, the official seal of the Department shall be surrendered by the examiner to the school. The school shall ensure the official seal of the Department is surrendered to it by the designated examiner. The school shall immediately notify the Department by telephone of the status of the designate examiner and shall, within five (5) days, return the official seal of the Department along with written notification of the status of the examiner.

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SUBCHAPTER 13. PARENT-TAUGHT DRIVER EDUCATION

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

(a) **General information.** Prior to teaching a Department-approved and -certified parent-taught driver education course, a parent must first request a parent-taught driver education packet from the Department. The request can be made:

- (1) in writing to: Oklahoma Department of Public Safety, Driver License Examining Division, P.O. Box 11415, Oklahoma City, OK 73136-0415
- (2) by telephone to: (405) 425-7746
- (3) by e-mail to: parent@dps.state.ok.us
- (4) through the Department of Public Safety website: www.dps.state.ok.us/dls/

(b) **Packet contents.** The packet will contain:

- (1) A list of approved parent-taught driver education providers and the cost of their respective courses;
- (2) A copy of the rules in this Subchapter, OAC 595:10-13 Parent-taught Driver Education; and
- (3) An affidavit to be completed and returned to the Department prior to commencement of training by parent instructor(s).

(c) **Requirements for parents.**

- (1) A parent-taught driver education course must be instructed by a parent as defined in 595:10-13-3.
- (2) Every parent instructor must have a valid driver license which must be in the parent instructor's possession at all times while performing behind-the-wheel instruction and must:

- (A) not have had his or her driving privileges and driver license suspended, canceled, revoked, or denied within the past twelve (12) months;
- (B) not have been convicted of possession or use of alcohol or drugs within the past twelve (12) months;
- (C) not reflect more than five (5) point violations on his or her driving record; and
- (D) have no administrative action by the Department pending pursuant to 47 O.S. §§ 753, 754, or 754.1 relating driving under the influence or pursuant to 47 O.S. §761 relating to driving while impaired.

(3) Every parent instructor shall exercise all due caution while instructing a behind-the-wheel session, taking into account:

- (A) the alertness and responsiveness of the student,
- (B) the traffic, weather, atmospheric, and road conditions,
- (C) the time of day, and
- (D) any other factors the parent deems may adversely influence the ability of the student to perform safely during the behind-the-wheel session.

(d) **Requirements for students.** Students must be at least fifteen ~~and one half (15 1/2)~~ (15) years of age to begin the written portion of the curriculum. The student must apply for and have been issued an instruction permit prior to the commencement of any behind-the-wheel training. The permit must be in the student's possession at all times while performing behind-the-wheel training.

(e) **Requirements for the vehicle used in parent-taught driver education behind-the-wheel instruction and training.** Behind-the wheel instruction and training of a parent-taught driver education course may only be performed in the vehicle(s) listed on the affidavit submitted by the parent(s) to the Department. The vehicle(s) listed:

- (1) must be properly registered and display a valid license plate [see 47 O.S. Chapter 74 regarding vehicle registration laws],
- (2) must comply with vehicle equipment and safety standards [see 47 O.S. Chapters 12 and 13 for state vehicle equipment and safety laws], including, but not limited to, being equipped with seatbelts,
- (3) must comply with the vehicle liability insurance requirements of Oklahoma's Compulsory Insurance Law [See 47 O.S. § 7-600 et seq. regarding compulsory vehicle liability insurance]. Current proof of insurance must be carried in the vehicle at all times, and
- (4) may be equipped with a second rear-view mirror for use by the parent performing the instruction. The Department recommends the use of a second rear-view mirror by the parent.

(f) **Limitation on vehicle occupancy.** The number of occupants in any vehicle being used for behind-the-wheel instruction in a parent-taught driver education course shall be limited to not more than two (2) parent instructors and not more than two (2) students.

(g) **Submission of affidavit.** Every parent shall submit the affidavit required by the Department, completed in full with all required information and signed by each parent desiring to be a parent instructor. The parent must wait to begin a parent-taught driver education course until the affidavit has been accepted by the Department.

(h) **Acceptance of affidavit.** Upon acceptance of the affidavit, the Department shall return a copy of the affidavit, marked "Accepted" with a number assigned by the Department, to the parent(s). The parent(s) may then begin the parent-taught driver education course. The accepted affidavit shall be carried in the vehicle at all times it is being used for a behind-the-wheel session of an approved parent-taught driver education course.

(i) **No renewal of acceptance is required.** Acceptance of the affidavit by the Department is issued to the parent(s) with the understanding that no renewal of the acceptance is required with regard to the student(s) named on the affidavit. However, the Department may cancel the acceptance as provided in OAC 595:10-13-9.

(j) **Changes to information on affidavit.** The parent(s) shall notify the Department immediately, in writing, of any changes to the information on the accepted affidavit. The parent(s) shall temporarily suspend the instruction of the parent-taught driver education course until the Department has approved the changes.

[OAR Docket #08-1219; filed 7-31-08]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 25. WRECKERS AND TOWING SERVICES**

[OAR Docket #08-1220]

RULEMAKING ACTION:

PERMANENT final adoption.

RULES:

- Subchapter 1. General Provisions
- 595:25-1-2 [AMENDED]
- 595:25-1-3 [AMENDED]
- Subchapter 3. Wrecker License
- 595:25-3-1 [AMENDED]
- 595:25-3-2 [AMENDED]
- Subchapter 5. All Wrecker Operators
- 595:25-5-2 [AMENDED]
- 595:25-5-3 [AMENDED]
- Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements
- 595:25-9-2 [AMENDED]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 952

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April 1, 2008

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April 1, 2008

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April 1, 2008

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May 8, 2008

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 23, 2008.

Final Adoption:

May 23, 2008

Effective:

September 12, 2008

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

Amendments clarify similar requirements of wrecker and towing services. The amendments are to existing rules.

The circumstances which created the need for these rules are to clarify procedures and improve the working environment of the wrecker and towing services as well as to ensure the safety and protect the property of the motoring public of Oklahoma.

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law.

CONTACT PERSON:

David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2008:

SUBCHAPTER 1. GENERAL PROVISIONS

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.

"**Class AA 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 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.

"**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.

"**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 rate fees as prescribed in 47 O.S. § 953.1 shall apply.

"**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 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.

"**Place of business**" means a permanent structure, occupied by the wrecker operator, as shown on the wrecker license, with phone service, where normal business is transacted and all wrecker records are maintained. Effective January 1, 2005, the place of business must be located in Oklahoma.

"**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 rate fees as prescribed in 47 O.S. § 953.1 shall apply.

"**Rotation log**" means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators 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 wrecker operators meeting the qualification of various categories of Class AA wrecker services except Class AA-TL wrecker vehicles.

"**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

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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 O.S. § 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 General -- All other wrecker vehicles as defined by 47 O.S. § 951, et. seq.

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.

(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 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. Its duly appointed officers 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.

SUBCHAPTER 3. WRECKER LICENSE

595:25-3-1. General requirements

The following are the requirements for obtaining 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 to transport property or the actual towing of vehicles or transporting of property 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) Certificates of insurance as prescribed by the Department are on file with the Department, and

(B) Each wrecker vehicle has been inspected by an officer of the Department to verify that equipment requirements of this Chapter have been met.

(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 issued for that particular vehicle 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 to the Department.

(7) **Additional wreckers.** Any wrecker operator that adds a wrecker vehicle shall:

(A) Register the wrecker vehicle with the Oklahoma Tax Commission and properly display a current license plate.

(B) Notify the Department of the make, model and serial number of the vehicle.

(~~B~~C) Send notification to the Department from the insurance carrier of the wrecker operator that the vehicle has been added to present insurance coverage.

(~~C~~D) Have the vehicle inspected and approved by an employee of the Department.

(8) **Sticker required on each vehicle.** Each wrecker vehicle which is used by an operator in pulling or towing a

vehicle shall display in the lower right hand corner of the windshield a valid sticker furnished by the Department indicating the classification of wrecker service.

(9) **License number and business name.**

(A) The wrecker license 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 vehicle used by the operator in the wrecker or towing service.

(B) On wrecker vehicles in use on or before July 14, 2002, the wrecker license number shall be at least two inches (2") in height. On wrecker vehicles put into use on or after July 15, 2002, the 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.

(C) The signage required by this paragraph shall be permanent in nature and shall not contain any misleading or false information. Magnetic signs are not approved; provided, if requested of and approved by the Director, a magnetic sign may be used for a period of thirty (30) days in an emergency situation.

(10) **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 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.

(11) **License prohibited.** No person under eighteen (18) years of age shall be licensed or employed as a wrecker operator. Any person who, within the previous five (5) years, has been released from incarceration under the custody of the Department of Corrections, or one of its contractors, or the equivalent state agency in another state or has been convicted in any court of law for larceny or any felony ~~by a preponderance of the evidence~~ shall not be licensed, nor shall any operator employ any person. On or after July 15, 2007, any such person shall not be eligible for a license until five (5) years from the end of incarceration or supervised release, including parole. Effective July 15, 2007, any person who has been charged with any such crime and who has been convicted pursuant to a pleading of guilty or no contest to said charge, regardless of the sentence imposed, shall not own or be employed in any capacity by any licensed wrecker service in the state of Oklahoma. No person who has been convicted of larceny, theft or untruthfulness or who has been convicted of a felony shall be licensed as a wrecker/towing service or employed by a wrecker/towing service until five (5) years after completion of the sentence for the conviction, including probation or supervised release. In cases of deferred judgement and sentence, the prohibition shall extend to five (5) years after the end of the deferred

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judgement and sentence. Any person who is required to register as a sex offender, as required by 57 O.S. § 583, 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.

(12) **Itemized statement.** All wrecker operators shall develop and maintain for each vehicle towed or serviced an itemized statement [see OAC 595:25-5-5(b) regarding records] and shall furnish the owner, or the agent of the owner, of each vehicle with an itemized statement, and a bill or invoice of the towing and storage charges incurred, which shall include, but not be limited to, the beginning and ending times of service and the beginning and ending mileage of the wrecker vehicle or vehicles used for the service. The itemized statement may be listed on the bill or invoice or may be listed separately but shall, in any case, be provided to the owner or agent, upon request or within a reasonable length of time.

(13) **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.

(14) **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 AA wrecker service" shall include those services with a Class AA-TL wrecker vehicle.

(15) **Business telephone number.** Each wrecker service shall have a local business telephone number published in the local telephone directory. The telephone number published shall be a number that is accessible to the public twenty-four hours a day.

(16) **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 and shall display, at a minimum, the name of the business.

(17) **Wrecker drivers.** Wrecker services shall notify the Wrecker Services Division within ten (10) days of hiring or termination of employment of any wrecker driver.

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 shall 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 Department may issue a temporary 30-day permit, after inspection, which will authorize the wrecker service to operate while paperwork for the permanent license is being processed. The temporary 30-day permit may be presented by the operator to the Tax Commission or a motor license agent for the purpose of being issued a wrecker license plate pursuant to 47 O.S. § 1134.3. The temporary 30-day permit shall only be valid for use if a wrecker license plate is purchased and affixed to the wrecker vehicle.

(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.

(2) The name of the individual (owner/applicant) or, in the event of a legal entity such as a corporation, the names of any two of the following officers:

(A) President

(B) Vice-President,

(C) Another officer, such as the Secretary.

(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) Notarized 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. ~~The Wrecker Services Division shall be notified of any new wrecker driver hired during the year.~~

(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 any time.
- (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.

SUBCHAPTER 5. ALL WRECKER OPERATORS

595:25-5-2. Equipment requirements for all 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, visible from 360 degrees or on a lightbar, 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. §12-227(C)]. Wreckers presently approved will not be required to have lights of another color replaced with an amber light until such time as the present lights become defective to the point of needing replacement, at which time it shall be replaced with an amber light. Any wrecker service approved after April 27, 1990, shall be required to have the amber light. Any wrecker vehicle approved after July 15, 2004, shall be required to have the amber rotating or flashing light or light bar permanently mounted on each wrecker. 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. §12-227(C)]; 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. §12-227(C)]. 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. Operators of other wrecker vehicle types shall secure towed vehicles in accordance with wrecker vehicle chassis recommendations.

(11) 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.

(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 must have a suitable 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 or hydraulic. 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.

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- (7) **Winch.** A winch or winches 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.
- (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.
- (c) **Class AA-TM wrecker vehicles.** Each Class AA-TM wrecker (medium truck wrecker), in addition to the equipment required by subsection (a), 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 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.
 - (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) **Axe.** One (1) axe.
 - (E) **Pry-bar.** One (1) pry-bar or wrecking bar capable of prying open doors.
 - (F) **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.** Each Class AA-TL wrecker (large truck wrecker), in addition to the equipment required by subsection (a), shall be equipped with the following:
- (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 ratings 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.** Minimum wheel base of two hundred inches (200").
 - (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) Winch(s) must have a factory rated capacity of at least forty thousand pounds (40,000 lbs.) and must be equipped with a cable to be compatible with manufacturer's specifications.
 - (B) Boom(s) must be constructed as to be compatible with winch rating and must be capable of being adjusted to accomplish proper weight distribution.
 - (C) **Pry-bar.** One (1) pry-bar or wrecking bar capable of prying open doors.

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, within the previous five (5) years:
 - (A) have an unpardoned conviction for larceny or any felony nor knowingly employ any person with such record, or
 - (B) On or after July 15, 2007, any such person shall not be eligible for license until five (5) years from end of incarceration or supervised release, including parole.
- (4) 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.

(5) 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.

(6) 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.

(7) 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 a collision to protect the scene and the vehicle involved.

(8) 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.

(9) 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.

(10) 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.

(11) Wrecker services shall comply with 47 O.S. § 11-1110(C).

(12) 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 evidence of ownership which is satisfactory to the wrecker operator and required by 47 O.S. § 904, such as a certificate of title or recent registration, or written verification from a local law enforcement agency as to the identity of the owner, or other documentation acceptable to the wrecker owner/operator. If unacceptable, the wrecker service shall explain why an ownership document is not acceptable;

(B) a person representing the owner, upon presentation of the certificate of title, a notarized letter from the owner permitting said person to act in behalf of the owner, and proper personal identification, such as a driver license, of the representative, or written verification from a local law enforcement agency as to the identity of the person representing the owner;

(C) an individual with possessory interest in the vehicle, upon presentation of an agreement with the owner of the vehicle giving that individual a present possessory interest in the vehicle;

(D) a lienholder or a duly authorized agent of a lienholder, upon presentation to the wrecker operator a recent repossession title receipt issued by the Oklahoma Tax Commission and a hold-harmless letter; or

(E) the insurer of or the insurer accepting liability for or purchasing a motor vehicle as provided in 47 O.S., Section 904, 953.1, or 953.2.

(13) Personal property, which shall include everything in a stored vehicle except the vehicle and its attached or installed equipment, shall be released, upon request, to the owner or owner's representative, upon showing of proof as described in (12) of this section, without the requirement that the owner or owner's representative pay towing and storage fees owing the wrecker service as a condition of release of the personal property. The owner or owner's representative shall be required to comply with any city or county regulation or ordinance requiring the payment of fees due to the city or county. The wrecker service may assess and collect lawful fees, such as after hours fees or subcontractor fees but other than towing and storage fees, as a condition of release of personal property to the owner or owner's representative. 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.

(14) Wrecker operators shall not call hazardous materials remediation companies unless at the direction of the vehicle owner or a governmental agency.

(15) Each operator shall require each wrecker driver to maintain the appropriate driver license for the type vehicle being operated.

(16) 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.

(17) 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.

(18) 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.

SUBCHAPTER 9. OKLAHOMA HIGHWAY PATROL ROTATION LOG - ADDITIONAL REQUIREMENTS

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

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rendered for which the operator is able to receive compensation, 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~~ 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.

(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 Director 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.

[OAR Docket #08-1220; filed 7-31-08]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #08-1221]

RULEMAKING ACTION:
PERMANENT final adoption.

RULES:

Subchapter 1. Driver Education Instruction
 595:40-1-3 through 595:40-1-4 [AMENDED]
 595:40-1-11 through 595:40-1-12 [AMENDED]
 595:40-1-15 [AMENDED]
 Subchapter 5. Motor Vehicle Accident Prevention Course
 595:40-5-1 through 595:40-5-10 [REVOKED]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.

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Failure of the Legislature to disapprove the rules resulted in approval on May 23, 2008.

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

Amendments to this subchapter clarify requirements for driver training schools and instructors, and motor vehicle accident prevention courses.

The amendments are to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to the citizens of Oklahoma.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

CONTACT PERSON:

David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF SEPTEMBER 12, 2008:

SUBCHAPTER 1. DRIVER EDUCATION INSTRUCTION

595:40-1-3. Driver education instructor permit/license

(a) **Requirement of Driver Education Instructor Permit/license.** A Driver Education Instructor Permit/license is required for instructors who teach Driver Education as prescribed under 47 O.S. §6-105 (D) and 47 O.S. § 801, who offer behind the wheel instruction to students who do not possess a valid Oklahoma driver license.

(b) **Application for Driver Education Instructor permit/license.**

(1) **Public schools.** The State Department of Education, Comprehensive Health/Driver and Traffic Safety Section, shall provide an application for Driver Education instructor permits/licenses and renewal permit/licenses for public schools upon request.

(A) The instructor shall make application to the State Department of Education by mail to: State Department of Education, Comprehensive Health/Driver Education, Room 314, 2500 Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

(B) The State Department of Education shall review the application as to teacher qualification and prescribed course of study and forward the application to the Department of Public Safety.

(2) **Commercial schools - original application.**

(A) All applications for an original ~~or a renewal~~ school ~~and/or instructor~~ license shall be made on a form provided by the Department of ~~Public Safety~~. The term of each original ~~or renewal~~ school license shall be for a period of three (3) years. Each place of business and/or location shall be considered a separate school and require a separate license. ~~The term of an original instructor license shall expire with the current license of the employing school, and the term of each subsequent renewal instructor license shall be for a period of three (3) years, running in conjunction with the license of the employing school. An instructor shall be required to apply for only one license when employed by more than one school owned by the same owner. An instructor license shall become invalid upon termination of employment with the school or schools of a single owner. If an instructor accepts employment with another school or schools of a different owner, the instructor license is not transferrable, and the instructor shall apply for an original license as a new employee of the other school.~~

(B) Each application for an original ~~or renewal~~ school license shall be accompanied by:

- (i) ~~A a~~ fee of Twenty-five Dollars (\$25.00); which shall be paid to the Department by money order, cashier's check, or business/personal check.
- (ii) ~~A a~~ schedule of fees and charges;
- (iii) ~~Certificates~~ certificates of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage; and
- (iv) ~~Make the~~ make, model, vehicle identification number, and registration number of ~~all~~ each vehicle used for training purposes, except motorcycles used for motorcycle training.

(C) ~~Each application for an original or renewal instructor license shall be accompanied by:~~

- (i) ~~Documentation required by OAC 595:40-1-4(a).~~
- (ii) ~~A Five (\$5.00) fee.~~

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~~(D)~~ No license fee shall be refunded in the event the license is rejected, suspended or revoked by the Commissioner of Public Safety.

~~(E)~~ All applications must be approved by the Department of Public Safety prior to the date before a school will be permitted to open for business.

~~(F)~~ All applications for renewal licenses shall be made no later than December 1 of the year of expiration.

~~(G)~~ Every operator of a Commercial Driver school is shall be required to have a Commercial Instructor License.

~~(H)~~ Application for Driver Education Instructor license for non-public schools may be obtained from the Department of Public Safety, Troop N, at: Driver Examining Division, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415.

~~(I)~~ Effective for all schools who are licensed or whose licenses are renewed for any year beginning after December 31, 2004, all All schools shall meet the requirements of OAC 595:40-1-15.

(3) Private and parochial Commercial schools: - renewal application.

(A) All applications for an ~~original~~ or a renewal ~~non-public school and/or instructor~~ license shall be made on a form provided by the Department of Public Safety. The term of each renewal school license shall be for a period of three (3) years. Each place of business and/or location shall be considered a separate school and require a separate license.

(B) Each application for ~~original~~ a renewal school license shall be accompanied by:

(i) ~~Certificates of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage.~~ a fee of Twenty-five Dollars (\$25.00), which shall be paid to the Department by money order, cashier's check, or business/personal check, and

(ii) ~~Make, model, vehicle identification number, and registration number of all vehicles used for training purposes, except motorcycle training, a schedule of fees and charges, if any changes have been made since the last license issuance.~~

(C) ~~All applications must be approved by the Department of Public Safety prior to the date a school will be permitted to open for business.~~ All application forms for renewal licenses shall be mailed by the Department to each licensee no later than October 1 of the expiration year. Each licensee desiring to renew shall submit an application to the Department no later than November 15 of the year of expiration. If application for renewal is not received by the required date and the Department is unable to process and approve the application by December 31 of the year of expiration, the commercial school shall cease operation on January 1 of the year following year of expiration and shall not resume operation until the application for renewal is processed and approved by the Department.

(4) Commercial, truck, and motorcycle instructors - original applications.

(A) All applications for an original instructor license shall be made on a form provided by the Department. The term of each original instructor license shall be for a period of no more than three (3) years. An instructor shall make application for each Commercial School location where he or she will be instructing. An instructor license shall become invalid upon termination of employment with the school or schools of a single owner. If an instructor accepts employment with another school or schools of a different owner, the instructor license is not transferrable, and the instructor shall apply for an original license as a new employee of the other school.

(B) Each application for an original instructor license shall be accompanied by:

(i) documentation required by OAC 595:40-1-4, and

(ii) a fee of Five Dollars (\$5.00), which shall be paid to the Department by money order, cashier's check, or business/personal check.

(5) Commercial, truck, or motorcycle instructors - renewal applications.

(A) All applications for a renewal instructor license shall be made on a form provided by the Department. The term of each renewal instructor license shall be for a period of three (3) years. An instructor shall make application for each Commercial School location where he or she will be instructing. An instructor license shall become invalid upon termination of employment with the school or schools of a single owner. If an instructor accepts employment with another school or schools of a different owner, the instructor license is not transferrable, and the instructor shall apply for an original license as a new employee of the other school.

(B) Each application for a renewal instructor license shall be accompanied by:

(i) a certified criminal history report from the Oklahoma State Bureau of Investigation certified within the immediately preceding thirty (30) days, and

(ii) a fee of Five Dollars (\$5.00), which shall be paid to the Department by money order, cashier's check, or business/personal check. If the instructor is licensed at multiple schools with the same owner, only one fee of Five Dollars (\$5.00) shall be paid. If the instructor is licensed at multiple schools with different owners, a fee of Five Dollars (\$5.00) shall be paid for each school with a different owner.

595:40-1-4. Qualifications for instructors

(a) **All driver education instructors.** Instructors of public, private, commercial driver education schools and other non-public schools shall submit to the Department of Public Safety, upon application, proof of the following:

- (1) current employment by a school which offers a prescribed course of study;
- (2) a valid and unexpired Oklahoma driver license;
- (3) at least twenty-one (21) years of age;
- (4) never been convicted of a felony as evidenced by an Oklahoma State Bureau of Investigation criminal background check conducted within the immediately preceding thirty (30) days or, if the applicant has not lived in Oklahoma for the immediately preceding five (5), a criminal background check from the agency responsible for keeping criminal history in the state or states of residence for the immediately preceding five (5) years;
- (5) if applicable, have driving privileges reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for Department action related to driving under the influence or driving while impaired. If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;
- (6) not been convicted of misdemeanor possession or use of alcohol or drugs within the past twelve (12) months;
- (7) not more than five (5) point violations on the driving record;
- (8) no administrative action pending pursuant to 47 O.S. §§ 753, 754, or 754.1; and
- (9) a high school diploma or general education diploma.

(b) **All commercial school instructors.** Every ~~four~~ (4) three (3) years, all commercial school instructors ~~must~~ shall take, at a minimum, the vision and written examinations given by the Department for the purposes of driver licensing and, for continued licensing as a commercial school instructor, shall be required:

- (1) to receive a score of at least eighty percent (80%) on driver license written examination. Should the applicant fail to achieve the required score after three (3) attempts, the applicant shall be denied certification and may reapply after one (1) year.
- (2) to pass standard driver license road test, if applicable, with a passing score of at least eighty percent (80%). Should the applicant fail to achieve the required passing score after (three) attempts, the applicant shall be denied certification and may reapply after one (1) year.

(c) **Public school instructors only.** Qualifications for public driver education instructors are set out in the rules for Oklahoma High School Driver and Traffic Safety Education by the Oklahoma State Board of Education.

(d) **Non-public school instructors.**

~~(1) Specific qualification for non-public schools.~~ Instructors of driver education for non-public schools, except commercial schools, shall submit to the Department of Public Safety proof of the following:

~~(A)~~

- (1) a valid Oklahoma secondary, elementary-secondary, library media specialist, speech-language pathology or technology center school license/certificate;

~~(B) credential~~

- (2) credentials in Driver and Traffic Safety Education; and

~~(C)~~

- (3) a valid and unexpired Oklahoma driver license; ~~(D) acceptable driving record as set forth in 595:40-1-5 and approved by the Department of Public Safety.~~

~~(2) Exemption for non-public schools instructors except commercial schools.~~ Those instructors who taught Driver Education at a private, parochial or other non-public school and who were issued an instructor's license for the school year 1988-1989 and had previously held an Oklahoma secondary, elementary secondary pathology or technology center school license/certificate and have remained continuously employed will not be required to meet item (1) (A) or (B) of this subsection.

(e) **Commercial school instructors other than truck and motorcycle training instructors.** Commercial driver education school instructors, other than truck and motorcycle training instructors, shall submit to the Department of Public Safety proof of the following:

- (1) a minimum of six (6) semester hours of Driver Education I and Driver Education II, and a minimum of three (3) semester hours of General Safety Education from an accredited college or university;
- (2) a course equivalent to that described in paragraph (1) offered by a nationally recognized commercial driver instructor course approved by the Department of Public Safety; or
- (3) certification by the State Department of Education as a driver education instructor, which certification shall be for at least five (5) years immediately preceding application and approval as a commercial driver education school instructor in conjunction with having taught driver education for at least five (5) years in public, private, or parochial school.

(f) **Commercial truck driver training school instructors.**

- (1) Commercial truck driver training school instructors shall submit to the Department of Public Safety proof of a high school diploma, or equivalent, and a minimum of five (5) years verifiable experience in the type of vehicle used by the school for instruction purposes.
- (2) The Department of Public Safety shall provide all schools a form which shall be presented to the prospective student prior to enrollment and payment of fees to the school. The form shall inform the student applicant as to the physical qualifications required for truck drivers. These qualifications are adopted from the Federal Motor Carrier Safety Regulations Pocketbook as prescribed by the United States Department of Transportation Federal Highway Administration, Subpart E-Physical Qualifications and Examinations, Section 391.41. This form shall be signed by the applicant and shall become a part of his school record.

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(g) **Commercial motorcycle training school instructor qualifications.** Commercial motorcycle training school instructors shall submit to the Department of Public Safety proof of the following:

- (1) a high school diploma, or equivalent,
- (2) an instructor's certificate issued by the Motorcycle Safety Foundation, and
- (3) current employment by a motorcycle training school.

595:40-1-11. Specification for vehicles other than motorcycles

Specification for vehicles other than motorcycles for use in public schools is set forth in the Oklahoma State Board of Education rules. For non-public/commercial schools:

- (1) The vehicle must be equipped with dual controls, side view mirrors (right and left), and front and rear seat belts.
- (2) The vehicle shall be clearly identified "STUDENT DRIVER" at the front and back of the vehicle, with letters at least two inches (2") high, in a clearly visible place and legible from a distant of at least one hundred (100) feet.
- (3) All vehicles which are used for the purpose of demonstration or practice of driving lessons shall be equipped with:
 - (A) dual controls on foot brakes, clutch on vehicles with manual transmissions, and otherwise be equipped in accordance with Title 47, Chapter 12 of the Oklahoma Statutes;
 - (B) extra inside rear view mirror on the instructor's side on Class D vehicles only; provided the mirror used shall not be the vanity or visor mirror;
 - (C) applicable mechanical devices when used in the training of physically handicapped students.
- (4) No more than three (3) students may be in a Class D vehicle during behind-the-wheel instruction.
- (5) When adding or dropping vehicles used for instruction, the school shall be responsible for notifying the Department of Public Safety, Driver License Examining Division, in writing within one (1) week of the change. If adding a vehicle the Division will schedule an appointment with the school for inspection of the new vehicle. Use of this vehicle shall be prohibited until inspection is complete and the vehicle is approved by the Department.

595:40-1-12. Insurance

(a) A private, parochial or non-public/commercial school which offers Driver Education must be insured by a company licensed to do business in this state with a commercial liability insurance policy for each vehicle used to conduct behind-the-wheel instruction. The minimum amount of insurance shall consist, for any one collision, of at least Fifty Thousand Dollars (\$50,000.00) for bodily injury to or death of one person; One Hundred Thousand Dollars (\$100,000) for bodily injury to or death of two or more persons; and Fifty Thousand Dollars (\$50,000) for damage to property. The

above coverage shall be carried on all vehicles used by the school for driver training purposes.

(b) In the event the insurance coverage is canceled, a copy of the written notice of cancellation must be furnished forthwith to the Department by registered or certified mail. Behind-the-wheel instruction will be immediately suspended until proper verification of insurance is provided to the Department of Public Safety.

(c) Each school shall send a copy of the Declaration of Insurance coverage when applying for instructor's original or renewal license. If insurance coverage expires between school renewal certification periods, the school shall send a current copy of the Declaration of Insurance coverage to the Department.

595:40-1-15. Requirements for all commercial driver education schools and classrooms

(a) **Location and classroom facility of commercial driver education schools.** An application for a Commercial Driver Training School license shall not be approved if the school is located or driving instruction is conducted within one (1) mile, using the most direct driving route, of the Department of Public Safety or any district office thereof. The school shall:

(1) have at least one (1) permanent classroom. Each classroom shall be used exclusively for classroom instruction during the time of such instruction. A classroom shall not be located in:

- (A) a residence or residential facility or complex,
- (B) a motor vehicle, or converted motor vehicle,
- (C) a hotel or motel, or
- (D) any other facility which has a bar, lounge, or other business which sells alcohol for public consumption on the premises;

(2) display its current and valid Commercial Driver Training License in the licensee's principal place of business at all times when classes are in session. The license or a copy of the license shall also be made available for inspection to students, or prospective students and their parents;

(3) comply with local municipal ordinances regarding lighting, heating, ventilation, and restroom facilities. Separate restroom facilities shall be provided for males and females, shall be fully plumbed with at least one toilet and one sink in each restroom, and shall be located in the same building as the classroom. The requirement for separate restroom facilities may be waived if a single restroom facility is provided that has a door which is capable of being locked from the inside; and

(4) have adequate room for equipment such as chalkboard, projector, tables and chairs for the number of students enrolled in the class being taught at the time.

(b) **Advertising.**

(1) No Commercial Driver Training School shall use or conduct any business under any name other than its fully licensed name.

(2) A sign reading "This school is licensed by the Department of Public Safety, State of Oklahoma" or similar language may be displayed on the school premises.

(3) The school may place language such as "This school is licensed by the Department of Public Safety, State of Oklahoma" in any advertisements and publications of the school. However, a school may not use advertisement or publicity that states or implies that the school specifically or uniquely recognized, recommended, or endorsed, or directly supervised by the Department of Public Safety.

(4) No fraudulent or deceptive statements, promotions, or fee incentives shall be used on any sign or in advertisement, whether written or oral.

(5) No school shall advertise, by any means, or otherwise state or imply that a driver license or permit is guaranteed or assured to any student or individual who will take or complete any instruction offered by the school.

(c) **Agreements and schedule of fees.**

(1) A sample copy of all contracts or agreements with students must be submitted to the Department with the application for licensing.

(2) Prior to enrollment or payment of fee all prospective students shall be provided the following information, in writing:

- (A) the type of instruction offered, whether classroom or behind the wheel;
- (B) length of each lesson;
- (C) rate per lesson;
- (D) rate for use of school vehicle for road test, if extra charge is made;
- (E) terms of payment and disclosure of any interest charged;
- (F) a statement indicating the specific date and time when instruction is to start.

(3) The schedule of fees shall be posted in easy view of students and prospective students.

(4) If any school fails to comply with the provisions, the school shall refund, on a prorated basis, all monies collected from the student.

(d) **Records to be maintained.**

(1) Each school shall maintain a permanently bound book with pages consecutively numbered or a computer spreadsheet, setting forth the name of the school; the name of the student; the contract or agreement number; the type and date of instruction given, whether classroom or behind-the-wheel. All entries shall be made in ink.

(2) All student instruction records, including a duplicate copy of each contract or agreement entered into between the school and the student (the original must be given to the student) must be kept on file in the office of each school for a period of (1) calendar year after the student has concluded instruction at or with the school. Each school shall furnish the student, if requested, a duplicate of his/her instruction record when all of the contracted courses are completed or the student otherwise ceases taking instruction at or with the school.

(3) The student instruction record shall contain a copy of a receipt for any monies paid to the school by the student. The receipt ~~form, in a format prescribed by the Department,~~ shall contain:

- (A) The name of the school.
- (B) The name of the student.
- (C) The date of payment.
- (D) The amount of payment.
- (E) The signature of the person receiving the payment.

(4) The student instruction record file maintained by the school shall be available at all times for inspection or copying by an authorized representative of the Department of Public Safety.

(5) **Completion certificates.** A completion certificate, in a preprinted format prescribed by the Department, shall be provided and issued by the Commercial School to each student upon the successful completion of course work (both classroom and behind the wheel). The certificate shall contain the following:

- (1) Name of the provider;
- (2) Full legal name of student;
- (3) Number of total hours of instruction (optional)
- (4) Date of completion;
- (5) Signature of administrator (a stamped signature is acceptable).

SUBCHAPTER 5. MOTOR VEHICLE ACCIDENT PREVENTION COURSE [REVOKED]

595:40-5-1. Purpose [REVOKED]

~~This Subchapter establishes the application procedure for approval and issuance of certification of sponsoring agencies and instructors who conduct Motor Vehicle Accident Prevention courses; sets forth minimum curriculum requirements, minimum qualifications for certification of instructors and grounds for disqualification, responsibilities of sponsoring agencies, grounds for revocation of authority to conduct courses and for revocation of an instructor's certification, rules governing denial or revocation of instructor certification and student attendance requirements.~~

595:40-5-2. Compliance with laws, rules, and regulations [REVOKED]

~~(a) Each sponsoring agency, and instructor certified by the Department to conduct Motor Vehicle Accident Prevention Course (MVAPC) shall do so in accordance with all applicable laws of the State of Oklahoma and all applicable rules and regulations of the Department of Public Safety.~~

~~(b) Each sponsoring agency applying for organizational approval and each applicant for certified instructor shall declare that he/she has read and understands 36 O.S. §924.1 and the rules of this Subchapter and agrees to abide by the terms thereof, along with future amendments thereto, as a condition for obtaining and retaining such approval or certification.~~

~~(c) The Driver Improvement Bureau of the Oklahoma Department of Public Safety shall process all applications, issue instructor certification, and enforce the rules of this Subchapter and related statutory laws.~~

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(d) Any statute of the State of Oklahoma existent or duly enacted in the future shall supersede any conflicting provision of the rules of this Subchapter to the extent of such conflict, but shall not affect the remaining provisions herein.

595:40-5-3. Definitions [REVOKED]

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Administrator" means designee who is responsible for administering MVAPC within the sponsoring agency.

"Certificate" means the student completion certificate issued by the sponsoring agency which is approved by the Department.

"Certification" means sponsoring agency or instructor approval to conduct MVAPC.

"Course" means a complete body of a certified MVAPC curriculum.

"Curriculum" means the complete lesson plans which include instructional strategy, presentation methods and resources utilized to incorporate the concepts of accident prevention.

"Department" means Oklahoma Department of Public Safety.

"Instructor" means individual certified to conduct MVAPC.

"Instructor Candidate" means an individual applying to be certified to conduct MVAPC.

"MVAPC" means Motor Vehicle's Accident Prevention Course.

"Revocation" means cancellation of certification to conduct MVAPC.

"Sponsoring Agency" means agency that conducts a certified MVAPC.

"Student" means individual who pays an enrollment fee to attend MVAPC.

595:40-5-4. Applications for approval and issuance of certification of sponsoring agencies and instructors to conduct motor vehicle accident prevention courses [REVOKED]

(a) Each sponsoring agency or instructor candidate requesting certification to conduct motor vehicle accident prevention courses (MVPAC) shall be furnished a copy of 36 O.S. §924.1, a copy of the rules of this Subchapter, and the appropriate application for certification, as prescribed by the Department.

(b) A sponsoring agency applying for certification to conduct MVAPC shall forward a copy of the proposed curriculum, all instructional material, film approval form, application and resume(s), and an instructor application form for each instructor candidate to the Department for consideration.

(c) An instructor candidate requesting certification to conduct MVAPC shall forward an up to date resume, which must include information regarding educational background (high school and beyond) and all adult employment history, with the

completed application form to the Department for consideration. An instructor candidate will only be considered upon recommendation of the Administrator of a certified sponsoring agency.

(d) Each sponsoring agency or instructor candidate shall be considered for certification by the Department in accordance with the rules of this Subchapter and shall be notified of approval or denial of certification in writing by a representative of the Department. Reason(s) for any denial shall be provided by the Department.

(e) Any sponsoring agency and instructor which was certified by the Department to conduct the Mature Driver's Accident Prevention Course (MDAPC) prior to September 1, 1990, shall be retroactively certified to sponsor or instruct the Motor Vehicle Accident Prevention Course (MVAPC). Any organization providing the MVAPC which was previously certified to conduct the Mature Driver's Accident Prevention Course (MDAPC) may continue with the previously approved, curriculum provided students who participate are students who met the guidelines under MDAPC.

(f) Any driver improvement/defensive driving program, as authorized by 47 O.S. §6-206.1(5) and approved by the Department, shall be acknowledged for the insurance reduction, provided the course attended is not pursuant to a court order in connection with a motor vehicle violation or an alcohol or drug related offense.

595:40-5-5. Minimum curriculum requirements for MVAPC courses [REVOKED]

(a) The curriculum requirements are two fold in purpose and direction:

(1) If the course is intended to address the aging process and the needs of the more mature driver, the requirements listed in (b) of this Section apply.

(2) If the course is intended to improve the general driving skills and defensive driving techniques of the general population, the requirements listed in (c) of this Section apply.

(b) For classes which offer instruction to mature drivers only, prior to being approved to conduct MVAPC in Oklahoma, a sponsoring agency shall submit a curriculum to the Department for approval. The curriculum must provide for a minimum of six (6) hours of instruction. The instruction may be classroom or a combination of classroom and actual behind the wheel instruction. The instruction must be detailed in the curriculum and is subject to approval by the Department. The curriculum suitable for mature drivers shall include, but is not limited to, appropriate instruction on:

(1) Vision and other physical problems which tend to accompany increasing age, how these problems may affect driving performance, and how to compensate for them;

(2) Fatigue, drugs (both over the counter and prescription), alcohol; the interaction of fatigue, drugs, alcohol, and other conditions, the effect of these conditions on driving; and precautionary measures to take;

(3) Updates on recent roadway signs, signals, and pavement markings;

- (4) Current accident prevention and defensive driving techniques including but not limited to:
 - (A) Three (3) second following distance;
 - (B) Lane positioning;
 - (C) Safe passing;
 - (D) Safe turning;
 - (E) Freeway driving, entering and exiting, and
 - (F) Right-of-way rules;
 - (5) Safety belts and the special needs of mature people to wear them;
 - (6) Information regarding safe operation of a recreational vehicle; and
 - (7) Oklahoma traffic laws.
- (e) For a course of study designed to inform the participant of driver improvement defensive driving concepts while operating a motor vehicle in a safe and reasonable manner, a sponsoring agency shall submit a curriculum to the Department for approval. The curriculum must provide for a minimum of six (6) hours of instruction. The instruction may be classroom or a combination of classroom and actual behind the wheel instruction. The instruction must be detailed in the curriculum and is subject to approval by the Department of Public Safety. The curriculum suitable for the general driving public shall include, but is not limited to, appropriate instruction on:
- (1) Driver personality traits and behavioral attitudes;
 - (2) Driver qualifications and limitations;
 - (3) Effects of alcohol and other drugs; and
 - (4) Current accident prevention and defensive driving techniques, including speed control, perception, reactions, lane positioning, safe turning, passing, occupant restraints, following distances, and Rules of the Road.
- (d) At the end of each course the student shall be given an opportunity to evaluate the course content and instructor(s) on a form provided by the sponsoring agency and approved by the Department.
- (e) Department personnel shall be permitted to attend any course without charge, upon request and display of proper credentials.

595:40-5-6. Minimum qualifications for certification of course instructors and grounds for disqualification [REVOKED]

- (a) An applicant for certified instructor must meet the following qualifications:
- (1) Be a high school graduate or possess a G.E.D.;
 - (2) Have a valid driver license;
 - (3) Have successfully completed the sponsoring agency's instructor preparation course;
 - (4) Have experience in communication skills, working knowledge of curriculum topics, ability to organize material for presentation, ability to make accurate assessments of driving attitude and behavior and the ability to make presentations and conduct class in an orderly manner.
 - (5) Have conducted a full MVAPC curriculum while being observed by the sponsoring agency administrator or a previously certified instructor.
 - (6) Any instructor certified by the Department to conduct the Mature Driver's Accident Prevention Course

(MDAPC) prior to the statutory amendment to Section 924.1 on September 1, 1990 shall be retroactively certified to instruct the Motor Vehicle Accident Prevention Course (MVAPC).

- (b) An applicant for certified instructor may be disqualified and ineligible for certification or any previous certification may be revoked for:
- (1) An alcohol or drug related entry on driving record, whether conviction or implied consent law related, for three (3) years prior to application for certification.
 - (2) Cancellation, denial, suspension or revocation of driving privileges pursuant to 47 O.S. §§ 6-120, 6-201, 6-205, 6-206, 6-207, 6-303, 753, 754, 761, for three (3) years prior to application for certification.
 - (3) Inability to present material or conduct class in an orderly or professional manner.
- (c) Instructor certification shall be valid for a two (2) year period.
- (d) Recertification of each instructor shall be dependent upon application and qualification based on the following:
- (1) A letter from the sponsoring agency requesting the instructor be recertified.
 - (2) Verification from the sponsoring agency that the instructor has taught at least two (2) full courses of instruction each of the previous years.
 - (3) Verification from the sponsoring agency that the instructor has completed their required instructor review course.
- (e) Guest instructors may be used at the discretion of a sponsoring agency for a specific portion of a MVAPC course upon approval by the Department. Such guest instructors must possess special knowledge, expertise, or personal experience in such specific portion to be covered.

595:40-5-7. Responsibilities of sponsoring agencies [REVOKED]

A sponsoring agency shall be required to:

- (1) Provide an address and telephone number which may be disseminated to the public;
- (2) Designate in the application for certification an individual as representative of the sponsoring agency, such designee will be that agency's administrator. Such administrator must have an office in the State of Oklahoma or provide a 1-800 toll free telephone number to Oklahoma residents;
- (3) Provide an instructor preparation course of at least eight (8) hours classroom instruction to all instructor candidates prior to such candidate applying for certification;
- (4) Provide and require all instructors to attend an instructor's review course of at least four (4) hours classroom instruction once every two (2) years;
- (5) Provide each instructor with an instructor's manual, instructional material, and provide student workbooks and/or manuals when necessary to follow and participate in the course;
- (6) Certify that each instructor applying for certification is competent to conduct MVAPC;

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- (7) Establish a record keeping system on all course participants who are issued a certificate of completion and maintain attendance records on each class conducted pursuant to these rules and regulations. Such records shall be maintained for three (3) years following course completion;
- (8) Provide course and participant records for inspection upon request and display of proper credentials by a Department representative;
- (9) Provide a safe and comfortable facility in which courses are conducted;
- (10) Provide the Department with a schedule of all class dates, times and locations of all courses to be conducted pursuant to the rules and regulations within the next 30 days, upon request;
- (11) Refund any fee collected from an enrollee in any case in which the agency is unable to conduct or complete the course;
- (12) Issue to each participant, at the time of successful completion, a completion certificate, on a form previously approved by the Department; and
- (13) Advise participants, upon successful completion of MVAPC, of procedures to obtain an insurance rate discount.

595:40-5-8. Grounds for revocation of authority to conduct MVAPC and for revocation of an instructor's certification [REVOKED]

- (a) A sponsoring agency certified to conduct MVAPC may have such certification withdrawn for any of the following reasons:
- (1) Erroneous material supplied in the application for certification;
 - (2) Allowing more than thirty (30) students in any one course;
 - (3) Erroneous material relating to any documents submitted to the Department;
 - (4) Allowing a non-certified instructor to conduct a course;
 - (5) Failure to maintain records required by the Department;
 - (6) Using facilities to conduct MVAPC which are determined to be unsafe or uncomfortable to students and/or instructors;
 - (7) Knowingly permitting any instructor to violate any Department requirement, rule or regulation;
 - (8) Use of non-approved curriculum or instructional material;
 - (9) Continued use of instructional equipment which is in poor repair;
 - (10) Making reference to the Department in any advertisement;
 - (11) Failure to notify the Department of change of mailing address; or
 - (12) Violation of any Department requirement, rule or regulation.
- (b) Any instructor certified to conduct MVAPC may have such certification withdrawn for any of the following reasons:

- (1) Loss of driving privilege;
- (2) Conviction of any alcohol or drug related misdemeanor;
- (3) Unlawful conduct on duty or in the presence of students;
- (4) The application for certification contains erroneous information;
- (5) Habitual use or abuse of intoxicating beverages or other drugs;
- (6) Dismissal by a certified sponsoring agency for violation of state statutes or the rules of this Subchapter;
- (7) Use of non-approved curriculum or instructional material;
- (8) Failure to notify the Department of change of mailing address; or
- (9) Violation of any Department requirement, rule or regulation.

595:40-5-9. Denial or revocation of sponsoring agency certification; denial or revocation of instructor certification [REVOKED]

- (a) The Department may deny or cancel the certification of any sponsoring agency or instructor to conduct MVAPC who fails to qualify as provided in the rules of this Subchapter.
- (b) The Department may deny or revoke the certification of any sponsoring agency or instructor who has committed a violation of the rules of this Subchapter.
- (c) In the event that the Department has determined that a certification should be denied or revoked, the following procedures shall apply in accordance with 75 O. S. §309 et seq.:
- (1) The Department shall send by certified mail, return receipt requested, notice of Department action containing all information required by 75 O. S. §309 et seq. to the concerned applicant, sponsoring agency, or certified instructor, at his/her last known address as reflected by records of the Department.
 - (2) The notice shall provide that the Department action shall become effective ten (10) days after receipt thereof by the applicant, sponsoring agency, or certified instructor, unless said applicant, sponsoring agency or certified instructor timely files a written request for a hearing with the Department 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.
 - (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 thereon based upon the law and the rules of this Subchapter and the evidence presented and 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, such Hearing Officer shall, after ten (10) days

from the entry of the decision, enter an appropriate final order thereon and each party shall be notified thereof by personal service or by mail.

(7) If an applicant, sponsoring agency, or certified instructor fails to appear at the scheduled hearing without good cause, the Hearing Officer shall record the non appearance 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 non appearance and enter a final order of dismissal of the Department action; such order or dismissal shall be without prejudice if the basis for the action constitutes non compliance or a continuing violation of this Subsection. Each party shall be promptly notified thereof either personally or by mail.

(9) Where a timely written request for 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 (10) of this Subsection.

(10) Notwithstanding (2) and (9) of this Subsection, Department action shall become effective immediately where:

(A) An application for certification is denied for failure to qualify under the rules.

(B) The Department finds that the health, safety, or welfare of the public imperatively requires such action and a finding to that effect is incorporated in its order, pursuant to 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, sponsoring agency, or certified instructor, the Department may informally notify such party by mail or telephone of such minor disqualification or violation, with a request a rectification of this minor disqualification or violation, the Department may proceed accordingly to other provisions of this Subchapter.

**595:40-5-10. Student attendance requirements
[REVOKED]**

Students shall be required to complete all portions of an approved curriculum schedule prior to being issued a certificate of completion.

(1) Any student unable to attend one or more portions shall be allowed to make up portion or portions missed, at the convenience of the sponsoring agency in which the course was originally scheduled. Such make up must be within sixty (60) days of the date the original course began if a comparable course is offered within such period. Failure to make up within such sixty (60) day period shall require the student to attend another full course, at no charge, through the same sponsoring agency.

(2) Should a student fail to complete a course after paying the required fee and then enrolls in a separate course through a different sponsoring agency, the latter sponsoring agency may require the student to pay a full fee and the original sponsoring agency shall not be required to refund its fee.

[OAR Docket #08-1221; filed 7-31-08]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2008-31.

EXECUTIVE ORDER 2008-31

I, Brad Henry, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby establish the Governor's Oklahoma United We Ride Council.

The purpose shall be to provide a comprehensive assessment of existing state and federal human service transportation funding programs. The Council shall evaluate the most effective and efficient use of human service transportation resources including the coordination of transportation services and funding. This shall include assessing opportunities and barriers for improved human service transportation; overlap caused by duplicated agency efforts; and service gaps to enhance citizen access to all available transportation and resources. The Council shall review the transportation policies of state agencies that provide human service transportation to identify the most efficient methods for facilitating the coordination of human service transportation services. All such state agencies that provide human service transportation shall cooperate with the Council in implementing the provisions of this Order.

The Council shall make recommendations addressing the standards and methods of activity report; the contents of inter-agency agreements including service assurances, financial commitments, monitoring and compliance plans; and the most appropriate and cost efficient service that can be accomplished through the coordination or consolidation of human service transportation resources.

There is hereby created the Governor's Oklahoma United We Ride Council (Council) composed of at least twenty-six (26), but not more than twenty-seven (27) members.

The Council shall be composed of:

A. State officials that shall include incumbents or designees of the following named offices, or their successors in office or function:

1. Director of the Oklahoma Department of Commerce;
2. Director of the Oklahoma Department of Rehabilitation Services;
3. Commissioner of Health;

4. Director of the Oklahoma Department of Human Services;
5. Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services;
6. Director of the Oklahoma Department of Veterans Affairs;
7. Director of the Oklahoma Department of Transportation;
8. Director of the Oklahoma Office of Disability Concerns;
9. Chief Executive Officer of the Oklahoma Health Care Authority;
10. Director of the Oklahoma Employment Security Commission; and
11. State Superintendent of Public Instruction.

B. The following members shall be appointed at the discretion and pleasure of the Governor:

1. at least four (4) members representing the transportation disadvantaged population;
2. at least three (3) members representing transportation providers;
3. at least four (4) members representing transportation disadvantaged organizations;
4. at least three (3) members representing community government organizations; and
5. at least one (1) member representing an Oklahoma nation or tribe.

C. Other members may be appointed, at the discretion and pleasure of the Governor, representing each of the appropriate agencies involved in the coordination or use of human service transportation resources.

Members listed in Sections B and C above shall be appointed by and serve at the pleasure of the Governor for a three-year term beginning August 1, 2008. Of the initial members appointed, one-third shall be appointed for an initial term of one (1) year, one-third shall be appointed for an initial term of two (2) years, and one-third shall be appointed for an initial term of three (3) years. Members may be reappointed and shall continue to serve until a new appointment is made.

The Council shall meet at such times and places as it deems appropriate. Members shall serve without compensation. Council members employed by a state agency shall be reimbursed travel expenses related to their service on the Council

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as authorized by state law by their respective state agency. Remaining Council members shall also be reimbursed travel expenses related to their service on the Council as authorized by state law by the Oklahoma Department of Rehabilitation Services. Administrative support for the Council, including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Council, shall be provided by the Oklahoma Department of Rehabilitation Services. The Council shall elect a chair and vice chair from its membership. The Council shall report to the Governor regarding its progress and status on January 1, 2009 and annually thereafter.

This Executive Order shall be distributed to the Oklahoma Department of Rehabilitation Services which shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 8th day of August, 2008.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #08-1226; filed 8-11-08]
