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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**Chris Benge,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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Department of <b>CENTRAL</b> Services ( <i>Formerly</i> : Office of <b>PUBLIC</b> Affairs) - <i>See</i> Title 580		<b>STATE</b> Use Committee ( <i>Formerly</i> : Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> )	304
<b>CEREBRAL</b> Palsy Commission	130	Office of <b>DISABILITY</b> Concerns ( <i>Formerly</i> : Office of <b>HANDICAPPED</b> Concerns)	305
Commission on <b>CHILDREN</b> and Youth	135	Oklahoma State Department of <b>HEALTH</b>	310
Board of <b>CHIROPRACTIC</b> Examiners	140	Oklahoma Basic <b>HEALTH</b> Benefits Board ( <i>abolished 11-1-97</i> )	315
Oklahoma Department of <b>EMERGENCY</b> Management ( <i>Formerly</i> : Department of <b>CIVIL</b> Emergency Management)	145	Oklahoma <b>HEALTH</b> Care Authority	317
Oklahoma Department of <b>COMMERCE</b>	150	<b>HIGHWAY</b> Construction Materials Technician Certification Board	318
<b>COMMUNITY</b> Hospitals Authority	152	Oklahoma <b>HISTORICAL</b> Society	320
<b>COMPSOURCE</b> Oklahoma ( <i>Formerly</i> : State <b>INSURANCE</b> Fund) - <i>See</i> Title 370		Oklahoma <b>HORSE</b> Racing Commission	325
Oklahoma <b>CONSERVATION</b> Commission	155	Oklahoma <b>HOUSING</b> Finance Agency	330
<b>CONSTRUCTION</b> Industries Board	158	Oklahoma <b>HUMAN</b> Rights Commission	335
Department of <b>CONSUMER</b> Credit	160	Department of <b>HUMAN</b> Services	340
<b>CORPORATION</b> Commission	165	Committee for <b>INCENTIVE</b> Awards for State Employees	345
Department of <b>CORRECTIONS</b>	170	Oklahoma <b>INDIAN</b> Affairs Commission	350
State Board of <b>COSMETOLOGY</b>	175	Oklahoma <b>INDIGENT</b> Defense System	352
Oklahoma State <b>CREDIT</b> Union Board	180	Oklahoma <b>INDUSTRIAL</b> Finance Authority	355
<b>CRIME</b> Victims Compensation Board	185	<b>INJURY</b> Review Board	357
Joint <b>CRIMINAL</b> Justice System Task Force Committee	190	Oklahoma State and Education Employees Group <b>INSURANCE</b> Board	360
Board of <b>DENTISTRY</b>	195	<b>INSURANCE</b> Department	365
Oklahoma <b>DEVELOPMENT</b> Finance Authority	200	<b>COMPSOURCE</b> Oklahoma ( <i>Formerly</i> : State <b>INSURANCE</b> Fund)	370
Office of <b>DISABILITY</b> Concerns ( <i>Formerly</i> : Office of <b>HANDICAPPED</b> Concerns) - <i>See</i> Title 305		Oklahoma State Bureau of <b>INVESTIGATION</b>	375
Board of Regents of <b>EASTERN</b> Oklahoma State College ( <i>exempted 11-1-98</i> )	205	Council on <b>JUDICIAL</b> Complaints	376
		Office of <b>JUVENILE</b> Affairs	377
		Department of <b>LABOR</b>	380
		Department of the Commissioners of the <b>LAND</b> Office	385
		Council on <b>LAW</b> Enforcement Education and Training	390
		Oklahoma <b>LAW</b> Enforcement Retirement System	395

Agency	Title	Agency	Title
Board on <b>LEGISLATIVE</b> Compensation	400	Oklahoma <b>SAVINGS</b> and Loan Board ( <i>abolished 7-1-93</i> )	625
Oklahoma Department of <b>LIBRARIES</b>	405	<b>SCENIC</b> Rivers Commission	630
<b>LIEUTENANT</b> Governor	410	Oklahoma Commission on <b>SCHOOL</b> and County Funds Management	635
Oklahoma <b>LINKED</b> Deposit Review Board	415	Advisory Task Force on the Sale of <b>SCHOOL</b> Lands ( <i>functions concluded 2-92</i> )	640
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Board	420	The Oklahoma School of <b>SCIENCE</b> and Mathematics	645
Oklahoma <b>LIQUEFIED</b> Petroleum Gas Research, Marketing and Safety Commission	422	Oklahoma Center for the Advancement of <b>SCIENCE</b> and Technology	650
<b>LITERACY</b> Initiatives Commission	425	<b>SECRETARY</b> of State	655
<b>LONG-RANGE</b> Capital Planning Commission	428	Department of <b>SECURITIES</b>	660
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly</i> : Oklahoma State Board of Examiners for <b>NURSING</b> Home Administrators) - <i>See</i> Title 490		Board of Regents of <b>SEMINOLE</b> State College ( <i>exempted 11-1-98</i> )	665
<b>LOTTERY</b> Commission, Oklahoma	429	<b>SHEEP</b> and Wool Commission	670
Board of Trustees for the <b>MCCURTAIN</b> County Higher Education Program ( <i>exempted 11-1-98</i> )	430	State Board of Licensed <b>SOCIAL</b> Workers	675
Office of <b>MANAGEMENT</b> and Enterprise Services ( <i>Formerly</i> : Office of State <b>FINANCE</b> ) - <i>See</i> Title 260		<b>SOUTHERN</b> Growth Policies Board	680
Commission on <b>MARGINALLY</b> Producing Oil and Gas Wells	432	Oklahoma <b>SOYBEAN</b> Commission ( <i>abolished 7-1-97</i> )	685
State Board of <b>MEDICAL</b> Licensure and Supervision	435	Board of Examiners for <b>SPEECH-LANGUAGE</b> Pathology and Audiology ( <i>Formerly</i> : Board of Examiners for <b>SPEECH</b> Pathology and Audiology)	690
<b>MEDICAL</b> Technology and Research Authority of Oklahoma	440	<b>STATE</b> Employee Charitable Contributions, Oversight Committee ( <i>Formerly</i> : <b>STATE</b> Agency Review Committee)	695
Board of <b>MEDICOLEGAL</b> Investigations	445	<b>STATE</b> Use Committee ( <i>Formerly</i> : Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> )— <i>See</i> Title 304	
Department of <b>MENTAL</b> Health and Substance Abuse Services	450	Oklahoma <b>STUDENT</b> Loan Authority	700
<b>MERIT</b> Protection Commission	455	<b>TASK</b> Force 2000	705
<b>MILITARY</b> Planning Commission, Oklahoma Strategic	457	Oklahoma <b>TAX</b> Commission	710
Department of <b>MINES</b>	460	Oklahoma Commission for <b>TEACHER</b> Preparation	712
Oklahoma <b>MOTOR</b> Vehicle Commission	465	<b>TEACHERS'</b> Retirement System	715
Board of Regents of <b>MURRAY</b> State College ( <i>exempted 11-1-98</i> )	470	State <b>TEXTBOOK</b> Committee	720
Oklahoma State Bureau of <b>NARCOTICS</b> and Dangerous Drugs Control	475	<b>TOBACCO</b> Settlement Endowment Trust Fund	723
Board of Regents of <b>NORTHERN</b> Oklahoma College ( <i>exempted 11-1-98</i> )	480	Oklahoma <b>TOURISM</b> and Recreation Department	725
Oklahoma Board of <b>NURSING</b>	485	Department of <b>TRANSPORTATION</b>	730
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly</i> : Oklahoma State Board of Examiners for <b>NURSING</b> Home Administrators)	490	Oklahoma <b>TRANSPORTATION</b> Authority ( <i>Name changed to Oklahoma TURNPIKE Authority 11-1-05) - <i>See</i> Title 731</i>	
Board of Regents of <b>OKLAHOMA</b> City Community College ( <i>exempted 11-1-98</i> )	495	Oklahoma <b>TURNPIKE</b> Authority ( <i>Formerly</i> : Oklahoma <b>TRANSPORTATION</b> Authority AND Oklahoma <b>TURNPIKE</b> Authority) - <i>See</i> also Title 745	731
Board of Regents of <b>OKLAHOMA</b> Colleges ( <i>exempted 11-1-98</i> )	500	State <b>TREASURER</b>	735
Board of Examiners in <b>OPTOMETRY</b>	505	Board of Regents of <b>TULSA</b> Community College ( <i>exempted 11-1-98</i> )	740
State Board of <b>OSTEOPATHIC</b> Examiners	510	Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma TRANSPORATION Authority 11-1-99 - <i>no rules enacted in this Title - See</i> Title 731)</i>	745
<b>PARDON</b> and Parole Board	515	Oklahoma <b>UNIFORM</b> Building Code Commission	748
Oklahoma <b>PEANUT</b> Commission	520	Board of Trustees for the <b>UNIVERSITY</b> Center at Tulsa ( <i>exempted 11-1-98</i> )	750
Oklahoma State <b>PENSION</b> Commission	525	<b>UNIVERSITY</b> Hospitals Authority	752
State Board of Examiners of <b>PERFUSIONISTS</b>	527	<b>UNIVERSITY</b> Hospitals Trust	753
Office of <b>PERSONNEL</b> Management	530	Board of Regents of the <b>UNIVERSITY</b> of Oklahoma ( <i>exempted 11-1-98</i> )	755
Board of Commercial <b>PET</b> Breeders	532	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts of Oklahoma ( <i>exempted 11-1-98</i> )	760
Oklahoma State Board of <b>PHARMACY</b>	535	Oklahoma <b>USED</b> Motor Vehicle and Parts Commission	765
<b>PHYSICIAN</b> Manpower Training Commission	540	Oklahoma Department of <b>VETERANS</b> Affairs	770
Board of <b>PODIATRIC</b> Medical Examiners	545	Board of <b>VETERINARY</b> Medical Examiners	775
Oklahoma <b>POLICE</b> Pension and Retirement System	550	Statewide <b>VIRTUAL</b> Charter School Board	777
State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> )	555	Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly</i> : Oklahoma Department of <b>VOCATIONAL</b> and Technical Education)	780
<b>POLYGRAPH</b> Examiners Board	560	Oklahoma <b>WATER</b> Resources Board	785
Oklahoma Board of <b>PRIVATE</b> Vocational Schools	565	Board of Regents of <b>WESTERN</b> Oklahoma State College ( <i>exempted 11-1-98</i> )	790
State Board for <b>PROPERTY</b> and Casualty Rates ( <i>abolished 7-1-06; see also Title 365</i> )	570	Oklahoma <b>WHEAT</b> Commission	795
State Board of Examiners of <b>PSYCHOLOGISTS</b>	575	Department of <b>WILDLIFE</b> Conservation	800
Department of <b>CENTRAL</b> Services ( <i>Formerly</i> : Office of <b>PUBLIC</b> Affairs)	580	<b>WILL</b> Rogers and J.M. Davis Memorials Commission	805
<b>PUBLIC</b> Employees Relations Board	585	Oklahoma <b>WORKERS'</b> Compensation Commission	810
Oklahoma <b>PUBLIC</b> Employees Retirement System	590		
Department of <b>PUBLIC</b> Safety	595		
<b>REAL</b> Estate Appraiser Board	600		
Oklahoma <b>REAL</b> Estate Commission	605		
Board of Regents of <b>REDLANDS</b> Community College ( <i>exempted 11-1-98</i> )	607		
State <b>REGENTS</b> for Higher Education	610		
State Department of <b>REHABILITATION</b> Services	612		
Board of Regents of <b>ROGERS</b> State College ( <i>exempted 11-1-98</i> )	615		
Board of Regents of <b>ROSE</b> State College ( <i>exempted 11-1-98</i> )	620		



# 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 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 1. ORGANIZATION, OPERATIONS, PROCEDURES, AND POLICIES**

*[OAR Docket #14-37]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

40:1-1-3 [AMENDED]

40:1-1-6 [NEW]

### **SUMMARY:**

The proposed rule amendments remove extraneous details related to the location of the Board's administrative offices in order to avoid future rulemaking action in the event the Board's Administrative Offices are relocated. The amendments provide additional contact information for the Board. The proposed rule amendments update the respective roles of the Chairman of the Board and the State Director of Tests regarding the preparation of meeting minutes. The proposed amendments remove unnecessary details regarding the timing of meetings. The proposed rule addition formalizes the Board's existing fee structure.

### **AUTHORITY:**

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

### **COMMENT PERIOD:**

Persons may submit written comments to Kevin Behrens, State Director, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from February 3, 2014 until March 5, 2014.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on March 6, 2014, at 9:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 3, 2014 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Kevin Behrens, State Director of Tests, 405-425-2460

*[OAR Docket #14-37; filed 1-9-14]*

## **TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 10. PERSONNEL**

*[OAR Docket #14-38]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Breath-Alcohol Analysts

40:10-3-1 [AMENDED]

40:10-3-2 [AMENDED]

40:10-3-3 [AMENDED]

40:10-3-4 [AMENDED]

40:10-3-6 [AMENDED]

40:10-3-7 [AMENDED]

40:10-3-8 [AMENDED]

Subchapter 9. Blood Specimen Collectors

40:10-9-1 [AMENDED]

### **SUMMARY:**

The proposed rule amendments update and clarify the requirements related to Breath Alcohol Operator Permits, Breath Alcohol Specialist Permits, Breath Alcohol Instructor Permits, and Independent Breath Alcohol Operator Permits. The amendments remove extraneous, outdated or repetitive language regarding the above referenced permits in an effort to simplify the rules. The amendments remove outdated information related to the provision of breath test operator

## Notices of Rulemaking Intent

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training. The amendments clarify the respective roles of the Board and the State Director of Tests in relation to training and instructors. The proposed rule amendments also address an issue with regard to the authority of Emergency Medical Technicians of the Paramedic and Advanced level to withdraw blood for the purposes of testing for alcohol, drugs, or a combination thereof.

**AUTHORITY:**

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

Persons may submit written comments to Kevin Behrens, State Director, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from February 3, 2014 until March 5, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on March 6, 2014, at 9:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136.

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 3, 2014 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Kevin Behrens, State Director of Tests, 405-425-2460

*[OAR Docket #14-38; filed 1-9-14]*

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## TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 20. SPECIMENS

*[OAR Docket #14-39]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:20-1-3 [AMENDED]

**SUMMARY:**

The proposed rule amendments clarify appropriate locations for blood draws for the purpose of determining the presence and/or concentration of intoxicants, specifically designating an ambulance as an approved site. The proposed amendments remove ambiguity in the guidance for processing blood samples once they are withdrawn by replacing "promptly" with a specific timeframe of 24 hours. The proposed amendments also include definitional language to clarify what is meant by "dispatching or forwarding" the blood samples once withdrawn. The amendments provide for additional requirements in the handling of blood specimens by arresting officers.

**AUTHORITY:**

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

Persons may submit written comments to Kevin Behrens, State Director, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from February 3, 2014 until March 5, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on March 6, 2014, at 9:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136.

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 3, 2014 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Kevin Behrens, State Director of Tests, 405-425-2460

*[OAR Docket #14-39; filed 1-9-14]*

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE  
CHAPTER 30. ANALYSIS OF ALCOHOL IN BREATH**

*[OAR Docket #14-40]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

40:30-1-3 [AMENDED]

**SUMMARY:**

The proposed rule amendments consolidate and clarify the procedure for breath testing by deleting duplicative language. The proposed amendments also harmonize the rules as a whole by including references to other applicable rules. The proposed amendments simplify the language of the rule in relation to the provision of maintenance on Board approved breath test instruments.

**AUTHORITY:**

47 O.S. §759; Board of Tests for Alcohol and Drug Influence

**COMMENT PERIOD:**

Persons may submit written comments to Kevin Behrens, State Director, at P.O. Box 36307, Oklahoma City, OK 73136. Persons may submit oral comments to Kevin Behrens, State Director at 3600 North Martin Luther King Ave., Building 9, Oklahoma City, OK 73111 between 8:00 a.m. and 4:30 p.m. Monday through Friday. Comments will be accepted from February 3, 2014 until March 5, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views regarding the proposed rulemaking action. Each person will be allowed a maximum of 10 minutes to speak. All persons wishing to comment must sign in at the door. The hearing will be held on March 6, 2014, at 9:00 a.m. at the Administrative Offices of the Board, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Administrative Offices of the Board of Tests for Alcohol and

Drug Influence, 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. Copies of proposed rules may be obtained at a cost of 10 cents per page copying charge from the Board of Tests for Alcohol and Drug Influence, P.O. Box 36307, Oklahoma City, OK 73136.

**RULE IMPACT STATEMENT:**

Pursuant to 75. O.S. §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 3, 2014 at the same locations, and on the same terms, listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Kevin Behrens, State Director of Tests, 405-425-2460

*[OAR Docket #14-40; filed 1-9-14]*

**TITLE 55. BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS, LANDSCAPE ARCHITECTS AND REGISTERED INTERIOR DESIGNERS OF OKLAHOMA  
CHAPTER 10. LICENSURE AND PRACTICE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND REGISTRATION OF INTERIOR DESIGNERS**

*[OAR Docket #14-48]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 55:10-1-1. [AMENDED]
  - 55:10-1-3. [AMENDED]
- Subchapter 3. Administrative Operations
  - 55:10-3-3. [AMENDED]
  - 55:10-3-11. [AMENDED]
- Subchapter 5. Application and Eligibility for Licensing or Registration
  - 55:10-5-1. [AMENDED]
  - 55:10-5-2. [AMENDED]
  - 55:10-5-4. [AMENDED]
  - 55:10-5-6. [AMENDED]
  - 55:10-5-8. [AMENDED]
  - 55:10-5-10. [AMENDED]
  - 55:10-5-11. [AMENDED]
- Subchapter 7. Examination
  - 55:10-7-1. [AMENDED]
  - 55:10-7-2. [AMENDED]
  - 55:10-7-3. [AMENDED]
  - 55:10-7-6. [AMENDED]
  - 55:10-7-7. [AMENDED]
  - 55:10-7-9. [AMENDED]
- Subchapter 9. Licensing and Registration
  - 55:10-9-5. [AMENDED]
  - 55:10-9-10. [AMENDED]

## Notices of Rulemaking Intent

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Subchapter 11. Rules of Professional Conduct

55:10-11-7. [AMENDED]

55:10-11-9. [AMENDED]

55:10-11-12. [AMENDED]

Subchapter 13. Organizational Practice

55:10-13-2. [AMENDED]

55:10-13-5. [AMENDED]

55:10-13-20. [AMENDED]

Subchapter 15. Violations

55:10-15-2. [AMENDED]

55:10-15-13. [AMENDED]

### SUMMARY:

The proposed revisions to Subchapter 1 are expanding definitions and clean-up. The definition of Direct Supervision is being deleted throughout the Rules and replaced with Responsible Control. CIDQ replaces NCIDQ throughout the Rules due to a national name change of the organization. Changes to Subchapter 3 are clean-up. Changes to Subchapter 5 are to incorporate Board Policy on Equivalent Education into these Rules, as well as some clean up. Changes to Subchapter 7 through Subchapter 15 are minor clean-up items.

### AUTHORITY:

Oklahoma State Architectural and Registered Interior Designers Act in O.S. 59, Section 46.7.

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on Wednesday, March 5, 2014 at the following address: 3555 N.W. 58<sup>th</sup> Street, Suite 640, Oklahoma City, OK 73112 Attention: Jean Williams, Executive Director, Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma.

### PUBLIC HEARING:

A public hearing has been scheduled for Wednesday, March 12, 2014 at 9:30 a.m. at the following address: Francis Tuttle Technology Center, 3500 N. W. 150th, Oklahoma City, OK 73134. This hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 9:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma requests that business entities affected by these proposed amendments provide the Board, within the comment period, in dollar amounts if possible, any 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing, at the above address, before the close of the comment period before 4:30 p.m. on Wednesday, March 5, 2014 at the following address: 3555 N.W. 58th Street, Suite

640, Oklahoma City, OK 73112 Attention: Jean Williams, Executive Director.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma, from our website @www.ok.gov/architect or write us at 3555 N.W. 58<sup>th</sup> Street, Suite 640, Oklahoma City, OK 73112.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a Rule Impact Statement (RIS) will be prepared and may be obtained from the Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers of Oklahoma at the above address beginning on February 10, 2014.

### CONTACT PERSON:

Jean Williams, Executive Director, (405) 949-2383

*[OAR Docket #14-48; filed 1-9-14]*

## TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 15. PAWN TRANSACTIONS

*[OAR Docket #14-17]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Licensing

160:15-5-1 [AMENDED]

160:15-5-6 [AMENDED]

### SUMMARY:

A proposed rule amendment re-organizes a provision stating that if an application that is not reviewed for any failure on the part of the applicant shall be deemed a withdrawal of the application and not a denial. A proposed rule amendment removes a provision regarding the refund of certain fees if a license applicant fails to comply with the application process. A proposed rule amendment removes a provision that requires a licensee to return a license when an address change is requested or when a business location is closed.

### AUTHORITY:

Administrator of Consumer Credit; 59 O.S. § 1512(A).

### COMMENT PERIOD:

Written and oral comments will be accepted during the period of February 3, 2014 to March 5, 2014. Comments may be submitted to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112 or via email at [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

### PUBLIC HEARING:

A public hearing regarding the proposed rules will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit conference room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing during the period from February 3, 2014 to March 5, 2014 at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-522-4665, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

*[OAR Docket #14-17; filed 1-8-14]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 30. CREDIT SERVICES ORGANIZATION**

*[OAR Docket #14-18]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Licensing
- 160:30-3-1.1 [AMENDED]
- 160:30-3-3.4 [AMENDED]

**SUMMARY:**

A proposed rule amendment re-organizes a provision stating that if an application that is not reviewed for any failure on the part of the applicant shall be deemed a withdrawal of the application and not a denial. A proposed rule amendment removes a provision regarding the refund of certain fees if a license applicant fails to comply with the application process. A proposed rule amendment removes a provision that requires a licensee to return a license when an address change is requested or when a business location is closed.

**AUTHORITY:**

Department of Consumer Credit; 24 O.S. § 140.

**COMMENT PERIOD:**

Written and oral comments will be accepted during the period of February 3, 2014 to March 5, 2014. Comments may be submitted to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112 or via email at [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendments will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit conference room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing during the period from February 3, 2014 to March 5, 2014 at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-522-4665, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

*[OAR Docket #14-18; filed 1-8-14]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 35. OKLAHOMA RENTAL-PURCHASE ACT**

*[OAR Docket #14-19]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Licensing
- 160:35-3-1.1 [AMENDED]
- 160:35-3-1.4 [AMENDED]

## Notices of Rulemaking Intent

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### SUMMARY:

A proposed rule amendment re-organizes a provision stating that if an application that is not reviewed for any failure on the part of the applicant shall be deemed a withdrawal of the application and not a denial. A proposed rule amendment removes a provision regarding the refund of certain fees if a license applicant fails to comply with the application process. A proposed rule amendment removes a provision that requires a licensee to return a license when an address change is requested or when a business location is closed. A proposed rule amendment removes a provision that requires a delinquency notice to be mailed to a licensee if a license is not renewed.

### AUTHORITY:

Administrator of Consumer Credit; 59 O.S. § 1955(C).

### COMMENT PERIOD:

Written and oral comments will be accepted during the period of February 3, 2014 to March 5, 2014. Comments may be submitted to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112 or via email at [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

### PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit conference room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing during the period from February 3, 2014 to March 5, 2014 at the above address.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-522-4665, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

*[OAR Docket #14-19; filed 1-8-14]*

## TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 50. HEALTH SPAS

*[OAR Docket #14-20]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Registration

160:50-3-1.1 [AMENDED]

160:50-3-11 [AMENDED]

### SUMMARY:

A proposed rule amendment re-organizes a provision stating that if an application that is not reviewed for any failure on the part of the applicant shall be deemed a withdrawal of the application and not a denial. A proposed rule amendment removes a provision regarding the refund of certain fees if a license applicant fails to comply with the application process. A proposed rule amendment removes a provision that requires a licensee to return a license when an address change is requested or when a business location is closed. A proposed rule amendment removes a provision that requires a delinquency notice to be mailed to a licensee if a license is not renewed.

### AUTHORITY:

Administrator of Consumer Credit; 59 O.S. § 2010

### COMMENT PERIOD:

Written and oral comments will be accepted during the period of February 3, 2014 to March 5, 2014. Comments may be submitted to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112 or via email at [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

### PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit conference room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing during the period from February 3, 2014 to March 5, 2014 at the above address.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-522-4665, rmartin@okdocc.ok.gov.

*[OAR Docket #14-20; filed 1-8-14]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 55. MORTGAGE BROKERS, MORTGAGE LENDERS AND MORTGAGE LOAN ORIGINATORS**

*[OAR Docket #14-21]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

160:55-1-1 [AMENDED]

160:55-1-2 [AMENDED]

Subchapter 3. Licensing

160:55-3-1.1 [AMENDED]

160:55-3-3.1 [AMENDED]

160:55-3-4 [AMENDED]

160:55-3-8 [AMENDED]

160:55-3-9.1 [AMENDED]

160:55-3-12 [AMENDED]

160:55-3-13 [AMENDED]

Subchapter 7. Records

160:55-7-1 [AMENDED]

Subchapter 9. Enforcement

160:55-9-3 [AMENDED]

160:55-9-4 [AMENDED]

160:55-9-5 [AMENDED]

160:55-9-6 [AMENDED]

160:55-9-7 [AMENDED]

**SUMMARY:**

House Bill 1828 amended the Oklahoma Secure and Fair Enforcement for Mortgage Licensing Act (Oklahoma SAFE Act) and established a mortgage lender license, effective November 1, 2013. The proposed rule amendments implement the mortgage licensing requirements for mortgage lenders established in House Bill 1828 by specifying that an application, bond, minimum net worth, criminal background checks of control persons and credit reports of control persons are required. A licensed mortgage loan originator must also be designated to oversee any activity of a mortgage lender that satisfies the definition of a mortgage broker as defined by the Oklahoma SAFE Act.

The proposed rule amendments clarify that a mortgage loan originator designated to oversee mortgage loan origination activities for a mortgage broker or mortgage lender may not serve as the designated mortgage loan originator for any other mortgage broker, mortgage lender or branch office. The proposed rule amendments also update references regarding the proper venue for administrative appeals and the requirements for orders issued by the Administrator.

A proposed rule amendment establishes a process for a licensee to request an inactive license status in accordance with the Oklahoma SAFE Act. A proposed rule amendment removes a requirement that licensees return a license to the Administrator upon notification of an address change or upon notification that a business location is closing.

Proposed rule amendments also remove language regarding the failure of an applicant to provide information requested by the Administrator and language regarding the failure of an applicant to qualify for a license. The proposed rule amendments includes new provisions stating that if applicants fail to provide information requested by the Administrator, a failure to provide information as requested by the Administrator shall be deemed a withdrawal of an application.

A proposed rule amendment specifies that mortgage loan originator license applicants must pass a qualified written test developed by the Nationwide Mortgage Licensing System and Registry (NMLS&R) in accordance with standards established by the Oklahoma SAFE Act. The proposed testing rule amendment will authorize the Administrator to adopt any qualified written test developed by NMLS&R in accordance with standards established by the Oklahoma SAFE Act.

**AUTHORITY:**

Administrator of Consumer Credit; 59 O.S. §§ 2095.1(2), 2095.5(C), 2095.13 and 2095.14.

**COMMENT PERIOD:**

Written and oral comments will be accepted during the period of February 3, 2014 through March 5, 2014. Written comments may be mailed or emailed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or via email at rmartin@okdocc.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing before the conclusion of the comment period on March 5, 2014 at the above address.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Consumer Credit at 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-521-3653, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

*[OAR Docket #14-21; filed 1-8-14]*

## TITLE 160. DEPARTMENT OF CONSUMER CREDIT

### CHAPTER 60. PRECIOUS METAL AND GEM DEALERS

*[OAR Docket #14-22]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Licensing  
160:60-3-1 [AMENDED]  
160:60-3-6 [AMENDED]

### SUMMARY:

A proposed rule amendment re-organizes a provision stating that if an application that is not reviewed for any failure on the part of the applicant shall be deemed a withdrawal of the application and not a denial. A proposed rule amendment removes a provision regarding the refund of certain fees if a license applicant fails to comply with the application process. A proposed rule amendment removes a provision that requires a licensee to return a license when an address change is requested or when a business location is closed. A proposed rule amendment removes a provision that requires a delinquency notice to be mailed to a licensee if a license is not renewed.

### AUTHORITY:

Administrator of Consumer Credit; 59 O.S. § 1534

### COMMENT PERIOD:

Written and oral comments will be accepted during the period of February 3, 2014 to March 5, 2014. Comments may be submitted to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112 or via email at [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

### PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the

Department of Consumer Credit conference room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing during the period from February 3, 2014 to March 5, 2014 at the above address.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-522-4665, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

*[OAR Docket #14-22; filed 1-8-14]*

## TITLE 160. DEPARTMENT OF CONSUMER CREDIT

### CHAPTER 65. SUPERVISED LENDERS

*[OAR Docket #14-23]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Licensing  
160:65-3-1 [AMENDED]  
160:65-3-6 [AMENDED]

### SUMMARY:

A proposed rule amendment re-organizes a provision stating that if an application that is not reviewed for any failure on the part of the applicant shall be deemed a withdrawal of the application and not a denial. A proposed rule amendment removes a provision regarding the refund of certain fees if a license applicant fails to comply with the application process. A proposed rule amendment removes a provision that requires a licensee to return a license when an address change is requested or when a business location is closed.

### AUTHORITY:

Administrator of Consumer Credit; 14A O.S. § 6-104(2).

**COMMENT PERIOD:**

Written and oral comments will be accepted during the period of February 3, 2014 to March 5, 2014. Comments may be submitted to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112 or via email at [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendments will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit conference room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rule are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing during the period from February 3, 2014 to March 5, 2014 at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-522-4665, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

*[OAR Docket #14-23; filed 1-8-14]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 70. DEFERRED DEPOSIT LENDERS**

*[OAR Docket #14-24]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Licensing
- 160:70-3-1 [AMENDED]
- 160:70-3-6 [AMENDED]

**SUMMARY:**

A proposed rule amendment re-organizes a provision stating that if an application that is not reviewed for any failure

on the part of the applicant shall be deemed a withdrawal of the application and not a denial. A proposed rule amendment removes a provision regarding the refund of certain fees if a license applicant fails to comply with the application process. A proposed rule amendment removes a provision that requires a licensee to return a license when an address change is requested or when a business location is closed. A proposed rule amendment removes a provision that requires a delinquency notice to be mailed to a licensee if a license is not renewed.

**AUTHORITY:**

Administrator of Consumer Credit; 59 O.S. § 3116 (A)(5)

**COMMENT PERIOD:**

Written and oral comments will be accepted during the period of February 3, 2014 to March 5, 2014. Comments may be submitted to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112 or via email at [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendments will be held at 1:30 p.m. on Wednesday, March 5, 2014 at the Department of Consumer Credit conference room, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing during the period from February 3, 2014 to March 5, 2014 at the above address.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at [www.ok.gov/okdocc/Rules\\_and\\_Actions/index.html](http://www.ok.gov/okdocc/Rules_and_Actions/index.html).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available on and after February 18, 2014 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-522-4665, [rmartin@okdocc.ok.gov](mailto:rmartin@okdocc.ok.gov).

*[OAR Docket #14-24; filed 1-8-14]*

## Notices of Rulemaking Intent

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### **TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 10. SMOKE DETECTORS**

*[OAR Docket #14-25]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. Rationalization

265:10-3-1 [AMENDED]

265:10-3-2 [REVOKED]

265:10-3-3 [AMENDED]

265:10-3-4 [AMENDED]

Subchapter 5. Compliance

265-10-5-4 [AMENDED]

265-10-5-5 [AMENDED]

#### **SUMMARY:**

The proposed rules are to define referenced state codes and standards as most recently adopted by the Oklahoma Uniform Building Code Commission.

#### **AUTHORITY:**

Title 74 O.S. § 317 and §§ 324.11, et seq.; State Fire Marshal Commission

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on March 5, 2014, at the following address: Luke Tallant, State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

#### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 6, 2014, at the State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Luke Tallant at the above address before the close of the comment period on March 5, 2014.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on or after the publication of this notice on February 3, 2014 at the same location listed above for reviewing and obtaining copies of the proposed rules.

#### **CONTACT PERSON:**

Luke Tallant, Assistant State Fire Marshal, (405) 522.5010.

*[OAR Docket #14-25; filed 1-8-14]*

### **TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 25. ADOPTED NATIONAL REFERENCED STATE CODES AND STANDARDS**

*[OAR Docket #14-26]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

265:25-1-3 [AMENDED]

#### **SUMMARY:**

The proposed rule is to define referenced state codes and standards as most recently adopted by the Oklahoma Uniform Building Code Commission, as well as NFPA #99 Health Care Facilities Code, 2000 Edition and NFPA #101 Life Safety Code, 2009 Edition, as those codes apply for the life safety inspections of existing facilities and as required by other state referenced codes and federal mandates.

#### **AUTHORITY:**

Title 74 O.S. § 317 and §§ 324.11, et seq.; State Fire Marshal Commission

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on March 5, 2014, at the following address: Luke Tallant, State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

#### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 6, 2014, at the State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Luke Tallant at the above address before the close of the comment period on March 5, 2014.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on or after the publication of this notice on February 3, 2014 at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Luke Tallant, Assistant State Fire Marshal, (405) 522.5010.

*[OAR Docket #14-26; filed 1-8-14]*

**TITLE 265. STATE FIRE MARSHAL  
COMMISSION  
CHAPTER 50. FIRE EXTINGUISHER  
INDUSTRY**

*[OAR Docket #14-27]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

265:50-1-2 [AMENDED]

265:50-1-3 [AMENDED]

265:50-1-3.1 [AMENDED]

Subchapter 3. License Requirements

265:50-3-2 [AMENDED]

265:50-3-3 [AMENDED]

265:50-3-4 [AMENDED]

265:50-3-5 [AMENDED]

Subchapter 7. Enforcement

265:50-7-1 [AMENDED]

265:50-7-2 [AMENDED]

**SUMMARY:**

The proposed rules are to define the transfer of authority from the Department of Health to the State Fire Marshal pursuant to SB 347.

**AUTHORITY:**

Title 59 O.S. Supp. 2007, §1820.1 et seq.; State Fire Marshal Commission

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on March 5, 2014, at the following address: Sam Schafnitt, State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 6, 2014, at the State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sam Schafnitt at the above address before the close of the comment period on March 5, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23<sup>rd</sup> Street, Suite 4, Oklahoma City, OK 73107.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on or after the publication of this notice on February 3, 2014 at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Sam Schafnitt, Operations Chief, (405) 522.5014.

*[OAR Docket #14-27; filed 1-8-14]*

**TITLE 318. OKLAHOMA HIGHWAY  
CONSTRUCTION MATERIALS  
TECHNICIAN CERTIFICATION BOARD  
CHAPTER 10. EXAMINATION AND  
CERTIFICATION**

*[OAR Docket #14-02]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

10-1-3. Areas of certification [AMENDED]

10-1-4. Examination Criteria [AMENDED]

10-1-5. Certification [AMENDED]

10-1-6. Re-Certification [AMENDED]

10-1-11. Fees [AMENDED]

**SUMMARY:**

The proposed revision to 10-1-3 removes the requirement for technicians to certify in Aggregates prior to obtaining certifications in other areas.

The proposed revision to 10-1-4 removes ambiguous language regarding evaluators approved by the Board.

The proposed revision to 10-1-5 stipulates the immediate revocation of a certification upon failure of a re-certification attempt.

The proposed revision to 10-1-6 lowers the minimum duration of consecutive registration years to be eligible for the alternate re-certification method from 14 years to 9 years.

The proposed revisions to 10-1-11:

1. Changes the duration of the Aggregates certification examination from one day to two days and adjusts the fee according to 10-1-11 (13).

2. Deletes the requirements to pay an administrative fee for returned checks or duplicate certificates.

**AUTHORITY:**

Highway Construction Materials Technician Certification Board; 69 O.S. §1951 et. seq.

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before March 5, 2014 to: Reynolds Toney, HCMTCB Chair, 200 NE 21<sup>st</sup> Street, Room G35, Oklahoma City, OK 73105.

## Notices of Rulemaking Intent

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### REQUEST FOR HEARING:

A public hearing may be demanded by contacting Reynolds Toney, HCMTCB Chair, before March 5, 2014;

By mail to:

200 NE 21<sup>st</sup> Street, Room G35

Oklahoma City, OK 73105

By phone:

Monday through Friday from 7:30 AM to 4:30 PM at (405) 521-2677.

By email to:

rtoney@odot.org

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

Copies of the proposed rules are available by hard copy or email at no cost from:

Steve Sawyer, Program Director

HCMTCB

1025 SE 59<sup>th</sup> Street

Oklahoma City, OK 73129

Phone: (405) 632-8022

FAX: (405) 632-8951

Email: ssawyer@odot.org

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement is being prepared and will be available from the HCMTCB at the address listed above on and after January 15, 2014.

### CONTACT PERSON:

Steve Sawyer, Program Director, HCMTCB, (405) 632-8022

*[OAR Docket #14-02; filed 1-7-14]*

## TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #14-41]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 9. Description of Forms and Instructions

365:1-9-17. Other agents forms [AMENDED]

### SUMMARY:

The amendment to section 365:1-9-17 reflects that the Oklahoma Insurance Department no longer issues a letter of clearance to an agent, but instead utilizes the National Insurance Producer Registry (NIPR) Producer Database (PDB), which is a central repository of producer licensing information updated on a timely basis by participating state insurance departments.

### AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19

### COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 5, 2014. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

### PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 6, 2014, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 5, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

### RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 3, 2014, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

### CONTACT PERSON:

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #14-41; filed 1-9-14]*

## TITLE 365. INSURANCE DEPARTMENT CHAPTER 10. LIFE, ACCIDENT AND HEALTH

*[OAR Docket #14-42]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 11. Coordination of Benefit Guidelines

365:10-11-2. Definitions [AMENDED]

Appendix UU. Policy Holder's Authorization to Release Insurance Policy Information to Agent of Record [REVOKED]

### SUMMARY:

365:10-11-2 is amended to require coordination between individual and group health insurance products, as well as between group health insurance products, in order to prevent over-insurance of a person's health insurance risk. In turn, this

will help keep premiums low for policyholders. Appendix UU is revoked because it is no longer in compliance with the Oklahoma Insurance Code due to a 2013 legislative change to 36 O.S. § 1435.41(A).

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19.

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendment shall be received on or before March 5, 2014. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendment will be held March 6, 2014, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 5, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 3, 2014, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #14-42; filed 1-9-14]*

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 20. TITLE INSURANCE**

*[OAR Docket #14-43]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Oklahoma Title Insurance Policies  
365:20-3-3. Documentation [AMENDED]

**SUMMARY:**

365:20-3-3 is amended as a clean-up to reflect a 2013 legislative change to 36 O.S. § 5001.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. § 307.1.

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendment shall be received on or before March 5, 2014. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendment will be held March 6, 2014, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 5, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 3, 2014, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #14-43; filed 1-9-14]*

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 25. LICENSURE OF  
PRODUCERS, ADJUSTERS, BAIL  
BONDSMEN, COMPANIES, PREPAID  
FUNERAL BENEFITS, CEMETERY  
MERCHANDISE TRUSTS, AND VIATICAL  
SETTLEMENT PROVIDERS AND BROKERS**

*[OAR Docket #14-44]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Producers, Brokers, Limited Lines Producers  
and Vehicle Protection Product Warrantors  
365:25-3-14. Insurance adjusters continuing education  
[AMENDED]  
Subchapter 5. Bail Bondsmen

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Part 5. General Provisions Pertaining to Bail Bondsmen  
365:25-5-31. ~~Business and residence~~Residence, business, mailing, and e-mail addresses on applications [AMENDED]  
365:25-5-33. Change of mailing address, legal name, e-mail address, or telephone requirements [AMENDED]  
Subchapter 15. Captive Insurance Companies Regulation  
365:25-15-1. Purpose and authority [AMENDED]  
365:25-15-2. Annual reporting requirements [AMENDED]  
365:25-15-3. Annual Audit [AMENDED]  
365:25-15-4. Independent Certified Public Accountant [AMENDED]  
365:25-15-5. Deposit Requirement [AMENDED]  
365:25-15-6. Organizational examination [AMENDED]  
365:25-15-9. Executive officers and directors [AMENDED]  
365:25-15-12. Acquisition of control of or merger with domestic company [AMENDED]  
365:25-15-13. Change of business [AMENDED]  
365:25-15-14. Prior approval [AMENDED]  
365:25-15-15. Severability Provision [NEW]  
Subchapter 19. Annuity Disclosure Regulation  
365:25-19-5. Standards for the disclosure document and buyer's guide [AMENDED]  
Appendix S. Buyer's Guide [REVOKED]

### SUMMARY:

The amendment to 365:25-3-14(g) is a clean-up to reflect a 2013 legislative change to 36 O.S. § 6217(C), which changed the biennial continuing education requirement for licensed adjusters from 20 to 24 hours.

The amendment to 365:25-5-31 clarifies a confusing rule and reflects current Department policy of maintaining the resident, business, and mailing addresses of bail bondsmen. The amendment to 365:25-5-33 is a clean-up to reflect a 2013 legislative change to 59 O.S. § 1310(A)(23).

The amendments to Subchapter 15 - Captive Insurance Companies Regulation cleans up the language and reflects the 2013 legislative changes made to the Oklahoma Captive Insurance Company Act, 36 O.S. § 6470.1 et seq. The amendment to 365:25-15-1 provides consistency with terminology used elsewhere in Chapter 25. The amendment to 365:25-15-2 distinguishes the annual financial reporting requirements for risk retention groups as opposed to other types of captive insurance companies. Risk retention groups are still required to report pursuant to 36 O.S. § 311, but other captive insurance companies can now financially report pursuant to the Oklahoma Captive Company Annual Report prescribed by the Insurance Commissioner. The amendment to 365:25-15-3 allows a pure captive to apply to file its annual audited financial report within sixty days of the close of the fiscal year as opposed to June 30 each year; but the captive must still file certain parts of the financial report before March 1 of each year to support the premium tax return. In addition, the opinion of the independent certified public accountant, the report of evaluation of internal controls, and the notes to financial statements may now apply generally

accepted accounting principles, as opposed to the previously required statutory accounting principles. A distinction is made in 365:25-15-3(e)(5) between reserves for property and casualty reserves and life, health, or annuity reserves as captives were previously formed only as property and casualty insurance companies. An exemption from the annual audit requirement has been added to 365:25-15-3 for companies who have no more than \$2,000,000.00 of direct written premium. 365:25-15-4 requires independent certified public accountants to apply for approval from the Insurance Commissioner before transacting annual audits for captive insurers and provides that either the company's captive manager or the captive company shall report notification of adverse financial condition to the Insurance Commissioner. 365:25-15-5 changes the deposit requirement from the requirements of 36 O.S. § 613 and Article 17 to as approved by the Commissioner and also adds that a clean irrevocable letter of credit issued by a bank may be used as a deposit. 365:25-15-6 adds that an organizational examination may be performed after, in addition to before, an applicant is licensed and deletes that independent third parties must perform biographical background checks as part of the organizational examination. 365:25-15-9 also deletes the requirement of independent third party biographical background checks when there is a change in a captive's executive officers or directors. 365:25-15-12 provides that the Insurance Commissioner may waive or modify the requirements for public hearing pursuant to 36 O.S. § 1653 if the Commissioner deems it not necessary due to limited public interest in the change of control. While any change in the nature of the captive business from that stated in the company's plan of operation still requires prior approval from the Commissioner, 365:25-15-13 adds that any other changes must be filed within sixty days of the change but does not require prior approval from the Commissioner. 365:25-15-14 adds a severability provision.

The amendment to 365:25-19-5(a)(1) allows an applicant for an annuity contract have access to the most recent version of the National Association of Insurance Commissioners' (NAIC) Buyer's Guide to Annuities in a face-to-face meeting with the seller of the annuity contract. This change renders Appendix S obsolete.

Appendix S is revoked because of the change to 365:25-19-5, which renders the form obsolete.

### AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 6217, 6470.21; 59 O.S. § 1302(A)

### COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 5, 2014. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

### PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 6, 2014, at 1:30 p.m. at the Oklahoma

Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 5, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 3, 2014, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #14-44; filed 1-9-14]*

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 40. HEALTH MAINTENANCE  
ORGANIZATIONS (HMO)**

*[OAR Docket #14-45]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Life, Accident & Health Division and Consumer Assistance and Claims Division Rules  
Part 9. HMO Requirements and Prohibitions  
365:40-5-43. Premiums/co-payments [AMENDED]

**SUMMARY:**

365:40-5-43 is amended to allow Health Maintenance Organizations more flexibility in their product design and offer products in a greater range of actuarial values. It also gives the Insurance Commissioner discretion to approve a cost-sharing arrangement if he or she finds that it will provide a reduction in premium costs.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1, 6903(D), 6923

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendment shall be received on or before March 5, 2014. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendment will be held March 6, 2014, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 5, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 3, 2014, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.

*[OAR Docket #14-45; filed 1-9-14]*

**TITLE 390. COUNCIL ON LAW  
ENFORCEMENT EDUCATION AND  
TRAINING  
CHAPTER 1. AGENCY AUTHORITY AND  
OBJECTIVES**

*[OAR Docket #14-03]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

390:1-1-1 [AMENDED]  
390:1-1-4 [AMENDED]  
390:1-1-6 [AMENDED]  
390:1-1-10 [AMENDED]  
390:1-1-12 [AMENDED]  
390:1-1-13 [NEW]

**SUMMARY:**

Amendments include statutory references for the Bail Enforcement and Licensing Act. Other changes include authorizing the Director's Designee to make decisions, requires original applications for licenses and certification and sets out forms of payments accepted by CLEET.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., § 3311.2 through 3311.13; 20 O.S., §1313.2; 21 O.S., § 1289.8 and 1290.1; 51 O.S., § 24-A et. seq.; 59 O.S., § 1350.1

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et seq.; 59 O.S., § 1750.1 through 1750.14 and 1451 through 1476; 59 O.S., § 1350.1 et seq.; 75 O.S., § 250 et seq. and 250.3.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us).

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

### CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-03; filed 1-7-14]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 2. ADMINISTRATIVE PROCEDURES

*[OAR Docket #14-04]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

390:2-1-2 [AMENDED]

390:2-1-10 [AMENDED]

### SUMMARY:

Amendments add statutory references for the Oklahoma Bail Enforcement and Licensing Act, and adds bail enforcement schools, applicants, instructors, and any other parties for which CLEET has statutory authority to take action against. Changes also include notification that hearings of alleged violations of the Oklahoma Bail Enforcement and Licensing Act will be conducted in accordance with the Administrative Procedures Act.

### AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., § 3311 et seq.; 11 O.S., §34-101; 20 O.S., §1313.2; 21 O.S., § 1289.8 and 1290.1; 59 O.S., Section 1350.1 et seq., 59 O.S., Section 1750.1 through 1750.14 and 1451 through 1476; 59 O.S., § 1350.1 et seq.; 11 O.S., § 34-102; 21 O.S., § 1290.14 through 1290.15; 75 O.S., §250 et seq. and 250.3.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us).

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014, at the CLEET offices and web address listed above.

### CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-04; filed 1-7-14]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 10. PEACE OFFICER CERTIFICATION**

*[OAR Docket #14-05]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 390:10-1-3 [AMENDED]
- 390:10-1-4 [AMENDED]
- 390:10-1-6 [AMENDED]

**SUMMARY:**

Amendments are necessary to include language passed last year that every law enforcement agency employing police, peace or tribal officers is required to submit to CLEET on or before October 1<sup>st</sup> of each year, a complete list of all commissioned employees with a current mailing address and phone number for each. Additionally rule changes require all peace officers, reserve peace officer and tribal officers to maintain a current residential address on file with CLEET and to notify CLEET in writing within 10 days of the effective change. Last change includes the Director's designee to award peace officer certification by reciprocity.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., § 3311.2 through 3311.13.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-05; filed 1-7-14]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING**

*[OAR Docket #14-06]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Basic Academy Programs
  - 390:15-1-13 [AMENDED]
  - 390:15-1-18.1 [AMENDED]
  - 390:15-1-19 [AMENDED]
  - 390:15-1-20 [NEW]
- Subchapter 3. Collegiate Officer Program
  - 390:15-3-11 [AMENDED]
- Subchapter 5. Reserve Officer Bridge Academy [NEW]
  - 390:15-5-1 [NEW]
  - 390:15-5-2 [NEW]
  - 390:15-5-3 [NEW]
  - 390:15-5-4 [NEW]
  - 390:15-5-5 [NEW]
  - 390:15-5-6 [NEW]
  - 390:15-5-7 [NEW]
  - 390:15-5-8 [NEW]
  - 390:15-5-9 [NEW]
  - 390:15-5-10 [NEW]
  - 390:15-5-11 [NEW]
  - 390:15-5-12 [NEW]
  - 390:15-5-13 [NEW]
  - 390:15-5-14 [NEW]

**SUMMARY:**

Amendments include authorizing the Director's designee to allow a student who has been suspended from the academy to return to the academy, and to approve a basic peace officer certification academy. Additionally authority is given to the Director's designee receive requests for firearms rescheduling, and requires students who fail remedial Custody Control or Law Enforcement Driver training block to repeat entire block of instruction. A new rule is added which allows municipalities and counties who have obtained Council approval to conduct Basic Peace Officer Certification for their own personnel, to also train personnel from a college or university law enforcement department if the college or university is located completely within the municipality of the approved Basic

## Notices of Rulemaking Intent

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Peace Officer Academy and a written agreement is provided to CLEET signed by administrators from the college or university and the approve Peace Officer Academy. The new Subchapter 5 is necessary to set out guidelines for a certified reserve officer who gains employment as a full time officer to attend a condensed version of the full time peace officer academy to gain full time certification, pursuant to changes to Title 70, O.S., § 3311 last legislative session.

### **AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13; 20 O.S., § 1313.2.

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us).

### **PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014, at the CLEET offices and web address listed above.

### **CONTACT PERSON:**

Norma Floyd, Administrative Assistant, (405)239-5166.

*[OAR Docket #14-06; filed 1-7-14]*

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## **TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 20. RESERVE OFFICER CERTIFICATION AND TRAINING**

*[OAR Docket #14-07]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

390:20-1-2 [AMENDED]

390:20-1-3 [AMENDED]

390:20-1-3.1 [AMENDED]

### **SUMMARY:**

Amendments require all peace officers, reserve peace officers and tribal officers to maintain a current residential address on file with CLEET and to notify CLEET in writing of any change within 10 days of the effective change. Also requires marriage license or other court documents to change a name in the CLEET database. Changes also authorize the Director's designee to grant reserve officer reciprocity and reserve academy coordinator status to an individual.

### **AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13; 11 O.S., § 34-101; 19 O.S., § 547; 63 O.S., § 683.1 et. seq.

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us).

### **PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014, at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-07; filed 1-7-14]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION**

*[OAR Docket #14-08]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 390:25-1-7 [AMENDED]
- 390:25-1-11 [AMENDED]
- 390:25-1-13 [AMENDED]
- 390:25-1-20 [REVOKED]

**SUMMARY:**

Amendments are necessary to remove language reflecting that CLEET will send records electronically. All records from CLEET will be in paper form. Requires apprenticeship phase of CLEET training for any person awarded a specialized instructor certification or adjunct specialized instructor certification based on comparable training, education or experience. Allows Director's designee to approve such instructor certifications. Rule 390:25-1-20 is being revoked as it relates to a lapse of advanced or intermediate certification if an officer is inactive as a peace officer for a period of twelve months. This rule is not necessary as officer is granted advanced and intermediate certification based on experience and education, individual is still qualified for certification whether or not they are employed.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., § 3311 through 3311.13.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-08; filed 1-7-14]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 30. CDS DETECTOR DOG CERTIFICATION**

*[OAR Docket #14-09]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 390:30-1-3 [AMENDED]

**SUMMARY:**

Amendments are necessary to specify forms of payment accepted by CLEET.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 70 O. S., § 3311 through 3311.13.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

### CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-09; filed 1-7-14]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 31. BOMB DETECTOR DOG CERTIFICATION

*[OAR Docket #14-10]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

390:31-1-3 [AMENDED]

### SUMMARY:

Amendments are necessary to specify forms of payment accepted by CLEET.

### AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us).

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

### CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-10; filed 1-7-14]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 35. REGULATION OF PRIVATE SECURITY INDUSTRY

*[OAR Docket #14-11]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. License Requirements

390:35-5-1 [AMENDED]

390:35-5-2 [AMENDED]

390:35-5-3 [AMENDED]

390:35-5-4 [AMENDED]

Subchapter 7. Application Procedure

390:35-7-5 [AMENDED]

Subchapter 9. Violations and Investigations

390:35-9-6 [AMENDED]

Subchapter 13. Use of Firearms

390:35-13-1 [AMENDED]

Subchapter 15. Training Requirements

390:35-15-7 [AMENDED]

### SUMMARY:

Amendments include requiring a licensed security guard or private investigative agency to provide proof of published phone number to CLEET. Allows CLEET to retain the right to inform an agency that the Agency Name they have submitted is a duplicate or too similar to an existing name in the CLEET database. Requires agency licenses that have been expired

for more than five years to start the entire application process over. Changes the number of continuing education hours for security guards and private investigators to the number of hours listed in Title 59, O.S., Section 1750.3. Requires individuals seeking licensure through reciprocity to attend the "Legal Block" of Phase IV Firearms Training. The individual must also submit a letter of good standing from the original licensing state. Changes also include removing the requirement for photographs for conditional license applicants. The time frame to submit applications for special event licenses is extended from 48 hour notice to seven business days prior to the event. Overpayments of more than ten dollars will be returned to the remitter and overpayments of less than ten dollars will be retained by CLEET. Language is changed to reflect statutory maximum for a fine of Two-Thousand Dollars (\$2,000.00), also allows CLEET to issue a citation and fine to an applicant at the next renewal of the license. Changes the language from the Director to CLEET, where related to imposing fines or disciplinary actions. The word weapon is changed to handgun in 390:35-13-1. Lastly, rule changes will allow approved testing centers to administer licensing examinations, corrects conflicting number of times an applicant may challenge a licensing examination. Three attempts will be allowed and then the training course must be retaken.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 59 O.S., § 1750.1 through 1750.13; 70 O.S., § 3311 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #14-11; filed 1-7-14]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 40. OKLAHOMA SELF-DEFENSE ACT**

[OAR Docket #14-12]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Instructor Application Procedure  
390:40-7-4 [AMENDED]

Subchapter 9. Training Standards and Requirements  
390:40-9-4 [AMENDED]

**SUMMARY:**

Amendments specify forms of payment accepted by CLEET. Additionally, changes allow a Self-Defense Act Instructor to charge a fee for an exemption certificate for an individual seeking a Self Defense Act License pursuant to Title 21, O.S., Section 1290.15.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 21 O.S., § 1289.8 and 1290.1 et seq.; 70 O.S., § 3311 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

**PUBLIC HEARING:**

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

### CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #14-12; filed 1-7-14]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 50. PENALTY ASSESSMENT FEES

*[OAR Docket #14-13]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

390:50-1-6 [AMENDED]

### SUMMARY:

Amendments authorize Director's designee to waive penalty fees if deemed uncollectable and late fees associated with penalty assessment fees.

### AUTHORITY:

Council on Law Enforcement Education and Training; 20 O.S., § 1313.2; 11 O.S., § 14-111.1; 19 O.S. § 220; and 70 O.S., Section 3311, et seq.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us).

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

### CONTACT PERSON:

Norma Floyd, Administrative Assistant (405) 239-5166.

*[OAR Docket #14-13; filed 1-7-14]*

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### TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 55. FACILITIES MANAGEMENT

*[OAR Docket #14-14]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

390:55-1-7 [AMENDED]

390:55-1-9 [AMENDED]

390:55-1-10 [AMENDED]

390:55-1-12 [AMENDED]

### SUMMARY:

Amendments authorize the Director's designee to set complex hours, grant exceptions to rules regarding weapons on campus, refunds of facility rental and posting of materials in conjunction with an event or exhibit.

### AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., Section 3311(B)(13), and 70 O.S., Section 3311, et seq.

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to [norma.floyd@cleet.state.ok.us](mailto:norma.floyd@cleet.state.ok.us).

### PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 10, 2014 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this

information in writing to Norma Floyd, at the above address, before the close of the comment period on March 10, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 3, 2014 at the CLEET offices and web address listed above.

**CONTACT PERSON:**

Norma Floyd, Administrative Assistant (405) 239-5166.

*[OAR Docket #14-14; filed 1-7-14]*

**TITLE 428. LONG-RANGE CAPITAL PLANNING COMMISSION  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #14-46]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 428:1-1-1. Purpose and scope [AMENDED]
- 428:1-1-2. Official office [AMENDED]
- 428:1-1-5. Agenda items [AMENDED]
- 428:1-1-6. Open records [AMENDED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to update terminology and make the rules consistent with statutory changes.

**AUTHORITY:**

62 O.S. §901; Long-Range Capital Planning Commission.

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from February 3, 2014 through March 6, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:00 p.m., March 6, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning February 7, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.ok.gov.

*[OAR Docket #14-46; filed 1-9-14]*

**TITLE 428. LONG-RANGE CAPITAL PLANNING COMMISSION  
CHAPTER 10. ADMINISTRATION OF THE STATE CAPITAL IMPROVEMENT PLANNING ACT**

*[OAR Docket #14-47]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 428:10-1-1. Purpose and scope [AMENDED]
- Subchapter 3. State Capital Plan
- Part 1. State Entity Requests
- 428:10-3-1. Request format [AMENDED]
- 428:10-3-2. Procedures for capital requests [AMENDED]
- Part 3. Preparation of State Capital Plan
- 428:10-3-3. Contents of the Plan [AMENDED]
- 428:10-3-4. Formulation and submission of the Plan [AMENDED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to update terminology and make the rules consistent with statutory changes.

**AUTHORITY:**

62 O.S. §901; Long-Range Capital Planning Commission.

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from February 3, 2014 through March 6, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:00 p.m., March 6, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov.

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning February 7, 2014.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or  
Kimberlee.Williams@omes.ok.gov.

*[OAR Docket #14-47; filed 1-9-14]*

### TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 20. SECURITY REQUIREMENTS

*[OAR Docket #14-28]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

475:20-1-5. Other security controls for nonpractitioner  
registrants [AMENDED]

### SUMMARY:

The proposed rule amendment defines the process to follow for the distribution of samples of controlled dangerous substances.

### AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

### COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, during the period from February 3, 2014, to March 5, 2014.

### PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at 405-521-2885 or mschuble@obn.state.ok.us, no later than 5:00 pm on March 5, 2014.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBN requests that business entities affected by these proposed rule amendments provide the OBN, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 or on the OBN website at [http://www.ok.gov/obnDD/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obnDD/Rules_and_Regulations/index.html) beginning on February 3, 2014.

### RULE IMPACT STATEMENT:

As required by 75 O.S., §303(D), a rule impact statement will be available beginning on February 3, 2014. Copies may be obtained through the OBNDD website at [http://www.ok.gov/obnDD/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obnDD/Rules_and_Regulations/index.html), or by contacting the contact person listed below.

### CONTACT PERSON:

Marie Schuble, Staff Attorney, 405-521-2885 or  
mschuble@obn.state.ok.us.

*[OAR Docket #14-28; filed 1-8-14]*

### TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 30. LABELING REQUIREMENTS

*[OAR Docket #14-29]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

475:30-1-11. Refilling of prescriptions [AMENDED]

475:30-1-12. Partial filling of Schedules III, IV and V  
prescriptions [AMENDED]

### SUMMARY:

The proposed rule amendments specify that hydrocodone containing products may not be refilled and when partial refills of hydrocodone may be utilized.

### AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

### COMMENT PERIOD:

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, during the period from February 3, 2014, to March 5, 2014.

### PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at 405-521-2885 or mschuble@obn.state.ok.us, no later than 5:00 pm on March 5, 2014.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OBN requests that business entities affected by these proposed rule amendments provide the OBN, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 or on the OBN website at [http://www.ok.gov/obnidd/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obnidd/Rules_and_Regulations/index.html) beginning on February 3, 2014.

**RULE IMPACT STATEMENT:**

As required by 75 O.S., §303(D), a rule impact statement will be available beginning on February 3, 2014. Copies may be obtained through the OBNDD website at [http://www.ok.gov/obnidd/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obnidd/Rules_and_Regulations/index.html), or by contacting the contact person listed below.

**CONTACT PERSON:**

Marie Schuble, Staff Attorney, 405-521-2885 or [mschuble@obn.state.ok.us](mailto:mschuble@obn.state.ok.us).

*[OAR Docket #14-29; filed 1-8-14]*

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL  
CHAPTER 55. PSEUDOEPHEDRINE CONTROL**

*[OAR Docket #14-30]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

475:55-1-3. Pharmacy requirements [AMENDED]

475:55-1-5. Electronic reporting [AMENDED]

**SUMMARY:**

The proposed rule amendments require any pharmacy that sells pseudoephedrine products to inform purchasers of the Oklahoma Methamphetamine Offender Registry Act, meaning that those individuals who have been convicted or are on probation for a methamphetamine related offense, as of November 1, 2010, may not possess pseudoephedrine products. Further, those individuals purchasing pseudoephedrine products must attest that they are not subject to the Oklahoma Methamphetamine Offender Registry Act. This will, in effect, provide notice and a way of proving that notice was provided.

**AUTHORITY:**

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

**COMMENT PERIOD:**

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, during the period from February 3, 2014, to March 5, 2014.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at 405-521-2885 or

[mschuble@obn.state.ok.us](mailto:mschuble@obn.state.ok.us), no later than 5:00 pm on March 5, 2014.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OBN requests that business entities affected by these proposed rule amendments provide the OBN, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 or on the OBN website at [http://www.ok.gov/obnidd/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obnidd/Rules_and_Regulations/index.html) beginning on February 3, 2014.

**RULE IMPACT STATEMENT:**

As required by 75 O.S., §303(D), a rule impact statement will be available beginning on February 3, 2014. Copies may be obtained through the OBNDD website at [http://www.ok.gov/obnidd/Rules\\_and\\_Regulations/index.html](http://www.ok.gov/obnidd/Rules_and_Regulations/index.html), or by contacting the contact person listed below.

**CONTACT PERSON:**

Marie Schuble, Staff Attorney, 405-521-2885 or [mschuble@obn.state.ok.us](mailto:mschuble@obn.state.ok.us).

*[OAR Docket #14-30; filed 1-8-14]*

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #14-31]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Collections and Disbursements

550:1-7-1. Refund vouchers [AMENDED]

**SUMMARY:**

The proposed amendment to OAC 550:1-7-1 improves the efficiencies associated with the delivery of both types of payments; reduces the number of paper checks printed each month; makes funds associated with each payment type available to recipients much faster; and improves the level of customer service provided to our membership.

**AUTHORITY:**

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

**COMMENT PERIOD:**

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing.

## Notices of Rulemaking Intent

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Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 17<sup>th</sup>, 2014, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., on Wednesday, March 19<sup>th</sup>, 2014, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 9<sup>th</sup>, 2014.

### **CONTACT PERSON:**

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

*[OAR Docket #14-31; filed 1-8-14]*

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## **TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #14-32]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Collections and Disbursements  
550:1-7-4. Vouchers payable to an estate [AMENDED]

### **SUMMARY:**

The proposed amendment to OAC 550:1-7-4 improves the efficiencies associated with the delivery of both types of payments; reduces the number of paper checks printed each month; makes funds associated with each payment type available to recipients much faster; and improves the level of customer service provided to our membership.

### **AUTHORITY:**

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

### **COMMENT PERIOD:**

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 17<sup>th</sup>, 2014, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., on Wednesday, March 19<sup>th</sup>, 2014, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 9<sup>th</sup>, 2014.

### **CONTACT PERSON:**

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

*[OAR Docket #14-32; filed 1-8-14]*

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## **TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #14-33]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Collections and Disbursements  
550:1-7-6. Return of contributions made under a mistake of fact [NEW]

**SUMMARY:**

The proposed amendment to OAC 550:1-7-6 reflects how the Oklahoma Police Pension and Retirement System will handle the refund of contributions to the participating municipality wherein the participating municipality paid more than the amount of contributions due from said municipality.

**AUTHORITY:**

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

**COMMENT PERIOD:**

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 17<sup>th</sup>, 2014, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., on Wednesday, March 19<sup>th</sup>, 2014, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 9<sup>th</sup>, 2014.

**CONTACT PERSON:**

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

*[OAR Docket #14-33; filed 1-8-14]*

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM  
CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN**

*[OAR Docket #14-34]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

550:15-1-2. Forward Drop [AMENDED]

**SUMMARY:**

The proposed amendment to OAC 550:15-1-2 clarifies the changes regarding interest under the Deferred Option Payout Provision Policy for retired members; changes regarding payment options to the member directly, Direct Rollover, or member's annuity provider with no recourse against the Oklahoma Police Deferred option Plan, the Oklahoma Police Pension and Retirement System, its Executive Director and staff, and/or the Board; changes towards payment to the beneficiary or estate under the Oklahoma Police Deferred Option Plan.

**AUTHORITY:**

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

**COMMENT PERIOD:**

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 17<sup>th</sup>, 2014, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., on Wednesday, March 19<sup>th</sup>, 2014, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 9<sup>th</sup>, 2014.

**CONTACT PERSON:**

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

*[OAR Docket #14-34; filed 1-8-14]*

## Notices of Rulemaking Intent

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### **TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 20. PURCHASE OF TRANSFERRED CREDITED SERVICE**

*[OAR Docket #14-35]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

550:20-1-2. Computation [AMENDED]

#### **SUMMARY:**

The proposed amendment to OAC 550:20-1-2 adds language regarding guidelines for a refund on payments towards transferred credited service.

#### **AUTHORITY:**

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

#### **COMMENT PERIOD:**

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 17<sup>th</sup>, 2014, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

#### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., on Wednesday, March 19<sup>th</sup>, 2014, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

#### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 9<sup>th</sup>, 2014.

#### **CONTACT PERSON:**

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

*[OAR Docket #14-35; filed 1-8-14]*

### **TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY**

*[OAR Docket #14-49]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULE:**

Subchapter 15. Sale and Auction of Surplus and Forfeited Property

595:1-15-3. Sale of surplus property [AMENDED]

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

#### **SUMMARY:**

The proposed amendments update and clarify information contained in the rules, amending the contact information and location of items addressed in the rules.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

#### **PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at **1:00 pm, Monday, March 10, 2014, the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.** Anyone who wishes to speak must sign in at the door by **1:05 pm.**

#### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

#### **COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.state.ok.us/rules/> or from the contact person.

#### **RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

#### **CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King

Ave., PO Box 11415, Oklahoma City, OK 73136-0415.  
Phone: 405.425.2757. E-mail: kdammen@dps.state.ok.us

[OAR Docket #14-49; filed 1-9-14]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**  
**CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

[OAR Docket #14-50]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

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

Part 3. Driver License Renewal

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

Part 7. Identification cards

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

Part 13. Motor License Agents

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

**SUMMARY:**

595:10-1-10: Is amended to allow persons to use as a valid proof of identification, an expired Oklahoma driver license as long as the expiration period is one (1) year or less. The rule further clarifies if a license is expired for more than one (1) year and the issue date of the license was before 11/01/2007, the holder of the license must show proof of legal presence in this country.

595:10-1-25: The rule is of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and is necessary to comply with the provisions of Senate Bill 966 passed by the first session of the 54th Legislature and signed into law on April 22, 2013. The bill becomes effective November 1, 2013.

595:10-1-56: House Bill 1082 provides the use of an expired driver license or Oklahoma identification card as identification for renewal purposes provided the expiration is not later than one (1) year past the original expiration date of the card. This rule allows motor license agents to accept the expired identification for the purposes of renewal.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at **10:00 Am , Monday, March 10, 2014**, in (location/classroom), **the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.** Anyone who wishes to speak must sign in at the door by **10:05 pm.**

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.state.ok.us/rules/> or from the contact person.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: kdammen@dps.state.ok.us

[OAR Docket #14-50; filed 1-9-14]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**  
**CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

[OAR Docket #14-51]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

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

Part 21. Identity Verification Unit

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

**SUMMARY:**

The amendment to this rule provides the victim of identity fraud or theft may request a detailed restriction code 8 be placed on the driving record. It further requires the victim to provide the Identity Verification Unit with a police report from his or her local law enforcement agency. The victim is currently required to sign an affidavit and this amendment

## Notices of Rulemaking Intent

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further explains the affidavit grants the Department the authority to place the detailed restriction code 8 on the driving record. Finally, this amendment provides the process to release the identity fraud or theft administrative revocation for the suspect of the identity theft or fraud once he or she has met the requirements for reinstatement.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

### **PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at **1:00 pm , Monday, March 10, 2014, the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.** Anyone who wishes to speak must sign in at the door by **1:05 pm.**

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

### **COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.state.ok.us/rules/> or from the contact person.

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

### **CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-51; filed 1-9-14]*

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### **TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

*[OAR Docket #14-52]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULE:**

Subchapter 5. Medical Aspects

Part 1. Medical Conditions

595:10-5-7. Vision Standards and problems [AMENDED]

### **SUMMARY:**

Amendment to this chapter will provide individuals using a bioptic telescopic device an opportunity to test for the issuance of a restricted Oklahoma Driver License.

The proposed action is amending existing rules.

The circumstances which created the need for these rules are discussed in the "Finding of Emergency" section above.

The rule implements the provisions of Senate Bill 1354 (2012) regarding individuals using a bioptic telescopic device to aid the driver while driving.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

### **PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at **11:00 Am , Monday, March 10, 2014,** in (location/classroom), **the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.** Anyone who wishes to speak must sign in at the door by **11:05 pm.**

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

### **COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.state.ok.us/rules/> or from the contact person.

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

### **CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-52; filed 1-9-14]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

*[OAR Docket #14-53]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

- Subchapter 15. Provisional Driver License Program [NEW]
- 595:10-15-1. Purpose [NEW]
- 595:10-15-2. Definitions [NEW]
- 595:10-15-3. Eligibility Criteria [NEW]
- 595:10-15-4. Participants in the PDL Program [NEW]
- 595:10-15-5. Terms and conditions under which the participant licensee can drive [NEW]
- 595:10-15-6. Proof of Insurance [NEW]
- 595:10-15-7. Completion of required forms, payment of the initial minimum monthly payment, and payment of the provision license fee [NEW]
- 595:10-15-8. Ineligibility from future participation in the program [NEW]
- 595:10-15-9. Completion of the PDL program [NEW]
- 595:10-15-10. Construction [NEW]

**SUMMARY:**

Senate Bill 97 provides licensees whose driving privileges have been suspended or revoked for violations, other than those relating to drug and alcohol offenses, to enter into an agreement with the Department of Public Safety to make monthly payments of no less than twenty-five dollars (\$25.00) towards the total reinstatement amount and to have restricted driving privileges until the amount owed is paid in full.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at **11:00 am , Monday, March 10, 2014, the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.** Anyone who wishes to speak must sign in at the door by **11:05 pm.**

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor,

professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.state.ok.us/rules/> or from the contact person.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-53; filed 1-9-14]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 11. COMMERCIAL DRIVER LICENSES**

*[OAR Docket #14-54]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

- Subchapter 3. Examination
- 595:11-3-6. Written examination [AMENDED]
- 595:11-3-8. Skills examination [AMENDED]

**SUMMARY:**

595:11-3-6: This rule is required to ensure the Department of Public Safety meets Federal Regulations regarding all CDL applicants and their ability to obtain a Commercial Learner Permit. The applicant will be required to maintain the Commercial Learner Permit for fourteen (14) days before being eligible to take the skills examination. Failure to implement this rule could deem the Oklahoma CDL program in noncompliance and, therefore, the State would no longer be able to issue any type of Commercial Driver License that would be recognized by other states.

595:11-3-8: This rule is required to ensure the Department of Public Safety meets Federal Regulations regarding all CDL applicants and their ability to obtain a Commercial Learner Permit. The applicant will be required to maintain the Commercial Learner Permit for fourteen (14) days before being eligible to take the skills examination. Failure to implement this rule could deem the Oklahoma CDL program in noncompliance and therefore the State could no longer issue any type of Commercial Driver License that would be recognized by other states.

**AUTHORITY:**

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

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

### PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at **10:00 Am , Monday, March 10, 2014, the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.** Anyone who wishes to speak must sign in at the door by **10:05 pm.**

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

### COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.state.ok.us/rules/> or from the contact person.

### RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

### CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-54; filed 1-9-14]*

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## TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 11. COMMERCIAL DRIVER LICENSES

*[OAR Docket #14-55]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULE:

Subchapter 5. Commercial Driver License Third-Party Examiners

595:11-5-5. Requirements for certification as a third-party examiner, display of certificate, certification renewal [AMENDED]

### SUMMARY:

595:11-5-5: Currently, an application for a third-party examiner must be accompanied by a certified criminal history report from the Oklahoma State Bureau of Investigation. This rule removes the OSBI report and replaces it with a nationwide criminal background check that has been certified within the immediately preceding thirty (30) days. This rule further states that certified third-party examiners will submit examination reports by electronic means immediately upon completion of the examination instead of allowing the submission of the examination reports by the tenth calendar day of the following month.

### AUTHORITY:

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

### COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

### PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at **10:00 Am , Monday, March 10, 2014, the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, located at 3600 N. Martin Luther King Ave., Building 9, Oklahoma City, OK 73111.** Anyone who wishes to speak must sign in at the door by **10:05 pm.**

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

### COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website, <http://www.dps.state.ok.us/rules/> or from the contact person.

### RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and may be obtained from the contact person.

### CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-55; filed 1-9-14]*

**TITLE 600. REAL ESTATE APPRAISER BOARD  
CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS**

*[OAR Docket #14-16]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 10-1-2. Definitions [AMENDED]
- 10-1-5. Qualifying education prerequisites [AMENDED]
- 10-1-16. Supervision of trainee appraisers [AMENDED]

**SUMMARY:**

The proposed amendments to Title 600, Chapter 10 at OAC 600:10-1-5 and OAC 600:10-1-16 will incorporate language from the Appraiser Qualification Criteria effective January 1, 2015 (the "AQB Criteria") which modifies the criteria by which the Oklahoma Real Estate Appraiser Board determines, upon application, whether an appraiser's qualifying education is deemed acceptable under said AQB Criteria. Further, the changes will reflect a mandatory change from a two year period to a three year period in which an appraiser must be in good standing with the Board, not subject to any disciplinary action which affects their legal eligibility to engage in appraisal practice, should they wish to supervise a trainee appraiser. The modification at OAC 600:10-1-2 is a housekeeping item concerning the definition of "Uniform Standards." Under the current definition, there is an incorrect reference to the Appraisal Subcommittee. This amendment will refer to the correct promulgating authority of the Appraisal Standards Board of the Appraisal Foundation.

**AUTHORITY:**

Real Estate Appraiser Board, 59 O.S. § 858-706.

**COMMENT PERIOD:**

Persons may submit written or oral comments to Christine McEntire at the offices of the Real Estate Appraiser Board, Oklahoma Insurance Department, 5 Corporate Plaza, 3625

NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112 during the period **February 3 to March 5, 2014.**

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on **March 5, 2014**, in the offices of the Oklahoma Insurance Commissioner located at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by this proposed rule are requested to provide the Board with information, in dollar amounts if possible, about any increases in the level of direct costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Christine McEntire, Director, at the above address during the period of **February 3 to March 5, 2014.**

**COPIES OF PROPOSED RULES:**

A copy of the proposed rules is available at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112. A copy of the proposed rule may also be obtained by written request to the attention of Christine McEntire, Real Estate Appraiser Board, Five Corporate Plaza, Suite 100, Oklahoma City, OK 73112. A copy of the proposed rules is posted on the Real Estate Appraiser Board website, [www.reab.oid.ok.gov](http://www.reab.oid.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a copy of the Rule Impact Statement may be obtained at the Offices of the Real Estate Appraiser Board, Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th St, Suite 100, Oklahoma City, Oklahoma 73112.

**CONTACT PERSON:**

Christine McEntire, Director (405) 522-2475.

*[OAR Docket #14-16; filed 1-8-14]*



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# 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.*

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**TITLE 155. OKLAHOMA CONSERVATION  
COMMISSION  
CHAPTER 20. CONSERVATION  
COST-SHARE PROGRAM**

*[OAR Docket #14-36]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULE:**

155:20-1-5. Eligibility for Conservation Cost-Share Program [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 7, 2014

**SUBMITTED TO HOUSE:**

January 7, 2014

**SUBMITTED TO SENATE:**

January 7, 2014

*[OAR Docket #14-36; filed 1-8-14]*

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# Errors in Published Documents

If an agency discovers an error in a document after its publication in the *Register*, the agency may publish in the *Register* a notice of such error, but only if the error meets criteria set forth in OAC 655:10-7-35.

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**TITLE 435. STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION  
CHAPTER 10. PHYSICIANS AND  
SURGEONS**

*[OAR Docket #13-1552]*

**ACTION:**

Notice of error in published document

**DOCUMENT CORRECTED:**

**Document type:**

Statement of Submission for Gubernatorial and Legislative  
Review

**Rules:**

Subchapter 1. General Provisions

435:10-1-4. Definitions [AMENDED]

**Register publication:**

31 Ok Reg 195

**Docket number:**

13-1306

**CORRECTIONS:**

Rule number cited under the heading RULES was incorrect.  
It was published as: Subchapter 1. General Provisions  
435:10-1-4. Definitions. It should read as: 435:10-7-12.  
Establishing a physician/patient relationship; exceptions  
[NEW]

*[OAR Docket #13-1552; filed 12-30-13]*

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# 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 800. OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 10. SPORT FISHING RULES

[OAR Docket #13-1553]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

- Subchapter 1. Harvest and Possession Limits
- 800:10-1-4. Size limits on fish [AMENDED]
- 800:10-1-5. Bag limits on fish [AMENDED]
- 800:10-1-7. Possession limit [AMENDED]
- Subchapter 3. Methods of Taking
- 800:10-3-5. Use of bow and arrow, grabhooks, gigs, spears, and spearguns, snagging, noodling and netting [AMENDED]

### AUTHORITY:

SB-324, Title 29 O.S., Sections 3-103, 5-401, 6-301, 6-303, Article XXVI, Sections 1 and 3 of the constitution of Oklahoma; Department of Wildlife Conservation Commission.

### DATES:

#### Adoption:

November 4, 2013

#### Approved by Governor:

December 3, 2013

#### Effective:

Immediately upon Governor's approval.

#### Expiration:

Effective through September 14, 2014, unless superseded by another rule or disapproved by the legislature.

### SUPERSEDED EMERGENCY ACTION:

n/a

### INCORPORATED BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

SB-324 provided language which allowed noodling for blue catfish and channel catfish. Rules are not currently in place to properly manage these fish populations. These rules will set bag and length limits which will ensure stability of both species.

The Oklahoma Department of Wildlife Conservation Paddlefish Research Center at Grand Lake has collected a robust data set which indicates paddlefish populations have declined over 60% in the past five years. These rules are needed to more effectively manage paddlefish populations, while maintaining fishing opportunity and resulting economic impacts for the region.

### ANALYSIS:

These rules will:

- Allow noodling for blue and channel catfish
- Set a three (3) fish daily bag limit with only one 30 inches or longer
- Delete the 20 inch minimum on flathead catfish
- Restrict noodling to daylight hours only
- Allow the Oklahoma Wildlife Commission to set the annual harvest limits and number of permits for paddlefish by Resolution
- Reduce the possession limit on paddlefish for non-residents
- Require online checking of all paddlefish

### CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, Ok 73105. Phone: 405/521-3721 or Rhonda Hurst, APA Liaison, phone: 405/522-6279.

**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 1. HARVEST AND POSSESSION LIMITS

### 800:10-1-4. Size limits on fish

There are no length and/or size limit restrictions on any game or nongame fish, except as follows:

- (1) All largemouth and smallmouth bass less than fourteen (14) inches in total length must be returned to the water unharmed immediately after being taken from public waters unless regulated by specific municipal ordinance or specified in regulations listed below: Lakes and Reservoirs with no length limit on largemouth and smallmouth bass - Lake Murray, all waters in the Wichita National Wildlife Refuge and American Horse Lake.
- (2) All largemouth and smallmouth bass between thirteen (13) and sixteen (16) inches in total length must be returned unharmed immediately after being taken from lakes Chimney Rock (W.R. Holway), Arbuckle, Okmulgee and Tenkiller Lake (downstream from Horseshoe Bend boat ramp).
- (3) All crappie (*Pomoxis* sp.) less than 10 inches in total length must be returned to the water unharmed immediately after being taken from Lakes Arbuckle, Tenkiller, Hudson, Texoma, Ft. Gibson, including all tributaries and upstream to Markham Ferry Dam and Grand Lake, including all tributaries to state line.
- (4) ~~All flathead catfish (*Pylodictis olivaris*) less than 20 inches in total length must be returned to the water unharmed immediately after being taken statewide.~~
- (5) All walleye, sauger, and saugeye (sauger x walleye hybrid) less than 18 inches in total length must be returned to the water unharmed immediately after being taken statewide, except at Altus-Lugert, Ellsworth, Foss,

## Emergency Adoptions

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Fort Cobb, Lawtonka and Murray lakes and the respective tailwaters, where walleye, sauger and saugeye less than 14 inches in total length must be returned to the water unharmed immediately and at Great Salt Plains Reservoir and tailwater where the size limit does not apply and in the Illinois River below Tenkiller Dam and the Arkansas River from Keystone Dam downstream to the Oklahoma state line where all sauger less than 16 inches must be returned to the water unharmed immediately.

(65) All largemouth and smallmouth bass between sixteen (16) and twenty-two (22) inches in total length must be returned to the water immediately after being taken from McGee Creek Lake, Dripping Springs Lake and Crowder Lake (Washita County).

(76) All rainbow trout less than twenty (20) inches in total length must be returned to the water immediately after being taken from the lower Mountain Fork River trout stream from the Lost Creek water control structure downstream to the first Highway 259 Scenic bridge, including Evening Hole and the Lost Creek stream channel, and from the State Park Dam downstream to the mouth of Rough Branch Creek and in the lower Illinois River trout stream from the USGS stream gauge downstream to the gravel pit county road. All brown trout less than twenty (20) inches in total length must be returned to the water immediately after being taken from the lower Mountain Fork River from Broken Bow Dam downstream to the U. S. Highway 70 bridge, and from the lower Illinois River trout stream from Tenkiller Dam downstream to the U. S. Highway 64 bridge.

(87) All blue catfish and channel catfish less than twelve (12) inches in total length must be returned to the water unharmed immediately after being taken from Texoma Lake.

(98) All smallmouth bass between nine (9) and twelve (12) inches in total length must be returned to the water unharmed immediately after being taken from Baron Fork Creek, Flint Creek, Illinois River upstream from the Horseshoe Bend boat ramp, Lee Creek, and Little Lee Creek. Possession of smallmouth bass between nine (9) and twelve (12) inches in total length at these streams is prohibited.

(109) All smallmouth bass less than twelve (12) inches in total length must be returned to the water unharmed immediately after being taken from Glover River from the confluence with the Little River upstream to the "Forks of the Glover River". Possession of smallmouth bass less than twelve (12) inches in total length at this stream is prohibited.

(110) All black bass (largemouth, spotted and smallmouth) less than fourteen (14) inches in total length must be returned unharmed immediately after being taken from the Blue River Public Fishing Area.

(121) All striped bass less than twenty (20) inches must be returned unharmed immediately after being taken from Sooner Reservoir.

(132) All black bass (largemouth, spotted and smallmouth) less than fourteen (14) inches in total length must

be returned unharmed immediately after being taken from the Blue River Public Fishing Area.

### 800:10-1-5. Bag limits on fish

No person shall, during any one day, take, attempt to take, kill, or harvest more than:

(1) Six (6) largemouth or smallmouth bass or six in aggregate, except in "Close To Home" fishing water where all largemouth bass caught must be returned to the water unharmed immediately after being taken (no harvest allowed), at Texoma Reservoir where the limit is five (5), largemouth, smallmouth or spotted bass or five in aggregate, at Lake Konawa, McGee Creek Lake, Dripping Springs Lake and Crowder Lake (Washita County) where the limit is six (6) of which only one (1) may be twenty-two (22) inches or longer at Baron Fork Creek, Flint Creek, Illinois River upstream from the Horseshoe Bend boat ramp, Lee Creek, and Little Lee Creek where the limit is six (6) largemouth, smallmouth or spotted bass or six in aggregate, of which only one (1) smallmouth bass may be twelve (12) inches or longer, in Glover River from the confluence with Little River upstream to the "Forks of the Glover River" where the limit is six (6) largemouth, smallmouth, or spotted bass or six in aggregate of which only three (3) may be smallmouth bass, and at the Blue River Public Fishing Area where the limit is six (6) largemouth, smallmouth or spotted bass or six in aggregate.

(2) Fifteen (15) channel and/or blue catfish, or fifteen (15) in aggregate, of which only one (1) blue catfish may be 30 inches in length or larger; except at all U.S. Forest Service and State Park lakes (not including Lake Murray) and Department of Wildlife Management Area ponds and all Department of Wildlife Conservation fishing areas, in "Close To Home" fishing waters and all waters within the Wichita Mountains National Wildlife Refuge, where the limit is six (6). ~~For scuba divers with spearguns, the limit is three (3) per day or three (3) in aggregate from May 1 through August 31, annually.~~ Ten (10) flathead catfish, except in Lake Texoma where the daily limit is five (5). For noodlers and scuba divers the daily limit is three (3) blue, channel, or flathead catfish or three in aggregate of which only one can be 30 inches or longer from May 1 through August 31, annually.

(3) Thirty-seven (37) crappie (*Pomoxis* sp.) except at Blue River Public Fishing and Hunting Area where the limit is six (6) and at lakes Arbuckle, Tenkiller, Hudson, Ft. Gibson including all tributaries and upstream to Markham Ferry Dam and Grand Lake including all tributaries to state line where the limit is fifteen (15).

(4) Six (6) rainbow trout - possession limit of twelve (12) after first day, except in the lower Mountain Fork River trout stream from the Lost Creek water control structure downstream to the first Highway 259 Scenic bridge, including Evening Hole and the Lost Creek stream channel, and from the State Park Dam downstream to the mouth of Rough Branch Creek, and in the lower Illinois River trout stream from the USGS stream gauge downstream to the gravel pit county road where the limit is one

(1) rainbow trout per day twenty (20) inches or longer in total length (no culling); and in the Blue River from its entry onto the Plaster Wildlife Management Unit/Landrum Wilderness downstream approximately 2 mile to a marker cable where all trout caught must be released immediately from November 1 to March 1 (thereafter, statewide trout bag limit applies).

(5) Six (6) brown trout, except in the lower Mountain Fork River trout stream below Broken Bow dam downstream to the U. S. Highway 70 bridge, and in the lower Illinois River trout stream from Tenkiller Dam downstream to US Highway 64 bridge where the limit is one (1) fish per day twenty (20) inches or longer in total length.

(6) Six (6) walleye, sauger and/or saugeye, or six (6) in aggregate.

(7) Five (5) striped bass and/or striped bass hybrids, except as designated in 800:10-1-5((8), (10) and (11)).

(8) Ten (10) striped bass and/or striped bass hybrids or ten (10) in aggregate of which only two (2) may be twenty (20) inches or longer in Texoma Reservoir.

~~(9) Ten (10) flathead catfish, except in Lake Texoma where the daily limit is five (5), and for noodlers and seuba divers the daily limit is three (3) from May 1 through August 31, annually.~~

~~(10) Twenty (20) striped bass hybrids and/or white bass, or twenty (20) in aggregate, of which only five (5) may be twenty (20) inches or longer in lakes Altus-Lugert, Birch, Canton (Canton Lake boundaries are from State Highway 281 to one thousand (1,000) feet below Canton Dam), Carl Blackwell, Foss, Ft. Cobb, Kaw, Konawa, Tom Steed, Sooner and Waurika, including tailwaters and Grand including all tributaries to stateline and below Grand River Dam (Pensacola Dam) downstream to State Highway 82 bridge and Oologah Lake including upstream on all tributaries to stateline and downstream below the dam to the mouth of the Caney River.~~

~~(11) Five (5) striped bass and/or striped bass hybrids, in aggregate, of which only two (2) may be 20 inches or longer in Arcadia Lake and Skiatook Lake.~~

~~(12) Twenty-five (25) white bass in Lake Texoma.~~

~~(13) One (1) paddlefish (Polyodon spathula) per day on Sunday, Tuesday, Wednesday, Thursday, and Saturday, statewide. Catch and release of paddlefish only (no harvest) is permitted on Monday and Friday, statewide. Possession of paddlefish in the field is prohibited on Monday and Friday, statewide. The catch and release of paddlefish is permitted year-round by use of rod and reel, trotline and throwlines. Paddlefish must be released immediately unless kept for the daily limit. Paddlefish taken by bow and arrow, gigs, spears or spearguns shall not be released. Paddlefish caught and placed on a stringer or otherwise held in possession must be tagged immediately and cannot be released (no culling). Each person must keep their own paddlefish distinctly separate from paddlefish taken by other fishermen. Each cleaned paddlefish, or its meat, eggs, or carcass, must also be tagged and kept separate from all other cleaned paddlefish or its parts. Tagged means plainly labeled with the taker's paddlefish~~

~~permit number. Paddlefish or their parts must remain tagged until the person in possession of the paddlefish or paddlefish parts has reached their residence. All paddlefish must have all viscera (internal organs) removed from the paddlefish before leaving the state. Persons fishing trotlines or throwlines must release all paddlefish on their lines, except the one (1) paddlefish held in possession for their daily limit, before leaving the trotline or throwline. Fishermen must cease snagging when they have taken their daily limit of paddlefish into possession.~~

(A) Individual annual harvest limit- An individual harvest limit for paddlefish may be set or amended annually by the Wildlife Conservation Commission and will be listed in the Oklahoma Department of Wildlife Conservation Fishing Guide. Special area (or management unit) paddlefish harvest caps, a general statewide paddlefish harvest cap, and the total number of paddlefish permits issued may be set or amended annually by the Wildlife Conservation Commission for use in determining the individual annual harvest limit. Once an individual angler has reached their annual harvest limit, continued catch and release is permitted.

(B) Paddlefish permit- It shall be unlawful for any person, regardless of residency, age or disability, to fish for paddlefish or be in possession of paddlefish parts without having first secured from the Department of Wildlife Conservation, an annual paddlefish permit. Immediately upon taking possession of a paddlefish with the intent of harvesting said fish, the angler must record the date and time of harvest on the paddlefish permit in the harvest record area provided. This permit must be carried on their person while fishing and/or in possession of paddlefish or parts and be produced for inspection upon the demand of any Oklahoma citizen or game warden. This permit shall be valid for paddlefish catch and release fishing in all waters of the state and at any time unless otherwise prohibited.

(C) Harvest Tagging- Paddlefish caught and placed on a stringer or otherwise held in possession must be plainly labeled (tagged) immediately with the angler's paddlefish permit number. Paddlefish taken into possession cannot be released (no culling). Each person must keep their own paddlefish distinctly separate from paddlefish taken by other anglers. Each cleaned paddlefish, or its meat, eggs, or carcass, must be kept separate from all other cleaned paddlefish or its parts. Paddlefish or their parts must remain tagged until the person in possession of the paddlefish or paddlefish parts has reached their residence. All paddlefish must have all viscera (internal organs) removed from the paddlefish before leaving the state. Persons fishing trotlines or throwlines must release all paddlefish on their lines, except the one (1) paddlefish held in possession for their daily limit, before leaving the trotline or throwline. Anglers must cease snagging for the day

## Emergency Adoptions

when they have taken their daily limit of paddlefish into possession.

(D) Reporting- Harvest of paddlefish must be reported by the harvesting angler to Oklahoma Department of Wildlife within 24 hours of harvest. Instructions for reporting harvest will be provided in the Oklahoma Department of Wildlife Fishing Guide and on the Oklahoma Department of Wildlife website.

~~(14) It shall be unlawful for any person, regardless of residency, age or disability, to fish for paddlefish or be in possession of paddlefish parts without having first secured from the Department of Wildlife Conservation or its authorized agent, an annual paddlefish permit. Immediately upon taking possession of a paddlefish with the intent of harvesting said fish, the angler must record the date and time of harvest on the paddlefish permit. This permit must be carried on their person while fishing and/or in possession of paddlefish or parts and be produced for inspection upon the demand of any Oklahoma citizen or game warden.~~

~~(4513) Release of striped bass and/or striped bass hybrids caught and placed on a stringer, in a live well or otherwise held in possession is prohibited statewide (no culling).~~

~~(4614) One (1) alligator gar (*Atractosteus spatula*) per day, statewide, except during the period of May 1 through May 31 when angling for alligator gar by all angling methods is prohibited on Lake Texoma between the Highway 99 bridge upstream to the I-35 bridge. The catch and release of alligator gar is permitted year round, except during the closure referenced above, by use of rod and reel, trotline and throwlines. Alligator gar must be released immediately unless kept for the daily limit. Persons fishing trotlines or throwlines must release all alligator gar on their lines except the one alligator gar held in possession for their daily limit, before leaving the trotline or throwline. Alligator gar taken by bow and arrow, gigs, spears or spearguns shall not be released. Alligator gar caught and placed on a stringer or otherwise held in possession cannot be released (no culling). Anglers must cease snagging when they have taken their daily limit of alligator gar into possession.~~

~~(4715) One (1) of any fish species classified as those of Special Concern Category I or Category II (as identified in 800:25-19-6). Such harvest must be reported to ODWC.~~

~~(4816) Other fish do not have bag or possession limits.~~

### 800:10-1-7. Possession limit

(a) No resident or nonresident shall have in their possession, in the field, more than one (1) daily bag limit listed in 800:10-1-5 and 800:10-1-6. Nonresidents shall not have more than two (2) daily bag limits in their possession at any time other than in the field, except for paddlefish which ~~can be four (4) daily bag limits~~ shall not exceed the individual annual harvest limit as listed in the Oklahoma Department of Wildlife Conservation Fishing Guide. "In the Field" means while fishing, or while in a boat, or on the bank or in the immediate

vicinity of any river, creek, stream, lake or pond, or while transporting or carrying the fish from the waters described above to camp or from such waters to the final destination.

(b) No person may possess with intent to transport or transport via land based transportation more than 200 shad, for personal use as bait. The sale, offer for sale, transport from Oklahoma with intent to sell or offer to sell shad taken from waters of this state is prohibited.

(c) No person shall transport shad from waters infested with Bighead or Silver Carp. These waters shall be designated in the Oklahoma Department of Wildlife Conservation Oklahoma Fishing Guide which is published annually. If shad are collected from these listed waters for use as bait, they may only be used in the water body from which they were collected.

## SUBCHAPTER 3. METHODS OF TAKING

### 800:10-3-5. Use of bow and arrow, grabhooks, gigs, spears, and spearguns, snagging, noodling and netting

(a) **Bow and arrow.** The use of bow and arrows in bowfishing shall be lawful for taking nongame fish only in all waters of the state throughout the year, except:

(1) Illinois River and its tributaries shall be closed at all times to such fishing except, those portions above the Horseshoe Bend boat ramp on Tenkiller Reservoir which is open from December 1 through March 31 annually. Tenkiller Reservoir below Horseshoe Bend boat ramp is open to bowfishing.

(2) Reservoir tailwaters, other than Eufaula, Keystone, Wister, Fort Gibson, Thunderbird and Hudson (Markham Ferry) shall be closed to fishing with bow and arrows throughout the year. This does not alter provisions of 29 O.S., Section 7-101, which designates a safety zone of the first 150 feet immediately below the dam on all reservoirs except Tenkiller, Canton, Salt Plains, and Fort Supply.

(3) All waters defined as "Designated Trout Areas" during open season for taking trout are closed.

(4) All waters within the boundaries of the Wichita Mountains Wildlife Refuge are closed.

(5) Only that section of the Caney River from Hulah Dam downstream approximately 1,200 feet to the re-regulation dam is closed. Fishing with a bow and arrow is lawful in the Caney River below the re-regulation dam.

(6) The following portions of Grand River:

(A) The main river channel of Grand River below the turbine outlets of Grand River Dam downstream to the State Park Bridge is closed throughout the year.

(B) The Grand River occurring below the spillway outlets of Grand River Dam downstream to the highline crossing (approximately 2 mile) is closed throughout the year with the next 2 mile downstream from the highline crossing closed during periods when the spillway gates are open and discharging water and for seven (7) days following closure of the spillway gates.

- (7) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.
- (8) "Close To Home" fishing waters and Lakes Pickens, Carl Albert and Taft and all ponds and lakes in the Ouachita National Forest are closed.
- (9) The taking of paddlefish by bow and arrow is prohibited on the Red River from Denison Dam downstream to the stateline year round.
- (10) Bowfishing may be used at Lakes Hefner, Overholser (including tailwaters and downstream to NW 10<sup>th</sup> St. bridge) and Draper throughout the year during daylight hours only.
- (11) The Salt Fork of the Arkansas River from the spillway of Great Salt Plains Reservoir downstream to the State Highway 38 Bridge is closed.
- (b) **Grabhooks.** Taking fish by use of a grabhook is prohibited in all state waters.
- (c) **Gigs, spears and spearguns.** The use of gigs, spears and spearguns containing not more than three (3) points with no more than two (2) barbs on each point shall be lawful for taking nongame fish only, except white bass may be taken by use of a gig. These methods are lawful in all:
  - (1) Rivers and streams from December 1 through March 31, except:
    - (A) The taking of paddlefish by use of gig, spear or speargun is prohibited from May 16 through March 14 of the following year, statewide.
    - (B) The Poteau and Fourche Maline Rivers and all their tributaries within LeFlore County are closed throughout the year.
    - (C) All waters designated as "Designated Trout Areas" during the open season for taking trout are closed.
    - (D) The Canadian River from Eufaula Dam downstream for a distance of one (1) mile to be so designated by buoy or other appropriate marker is closed throughout the year.
    - (E) The Caney River from Hulah Dam downstream to the confluence of the old and new river channels is closed.
    - (F) The following portions of Grand River:
      - (i) The main river channel of the Grand River below the turbine outlets of Grand River Dam downstream to State Park Bridge is closed throughout the year.
      - (ii) The Grand River occurring below the spillway outlets of Grand River Dam downstream for a distance of one (1) mile is closed throughout the year.
    - (G) Rivers and streams in Delaware and Mayes counties are open to the use of gigs throughout the year, unless specifically closed in other sections of this chapter.
    - (H) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.
  - (2) Lakes and reservoirs throughout the year, except:
    - (A) Waters within the boundaries of the Wichita Mountains Wildlife Refuge other than that portion of Lake Elmer Thomas are closed.
    - (B) Tenkiller Reservoir, below the Horseshoe Bend boat ramp, is closed throughout the year except by speargunning when used with a self-contained underwater breathing apparatus which is closed from June 15 through July 15 annually to the taking of flathead catfish only.
    - (C) All Department Fishing Areas, all "Close To Home" fishing waters and Lakes Carl Albert, Sooner, Lone Chimney and Taft and all ponds and lakes in the Ouachita National Forest are closed. Konawa is closed to gigging.
    - (D) Lakes Hefner, Overholser (including tailwaters and downstream to NW 10<sup>th</sup> St. bridge) and Draper are closed.
  - (3) Reservoir tailwaters other than Hudson (Markham Ferry) shall be closed to fishing with gigs, spears and spearguns throughout the year. This does not alter provisions of 29 O.S., Section 7-101, which designates a safety zone of the first 150 feet immediately below the dam on all reservoirs except Tenkiller, Canton, Salt Plains, and Fort Supply.
  - (d) **Snagging.** Snagging for nongame fish only shall be lawful in all waters of the State throughout the year, except:
    - (1) Reservoir tailwaters other than Fort Gibson which is open 24 hours a day, and Wister which is open from 10 p.m. to 6 a.m.; shall be closed to fishing by snagging throughout the year. This does not alter provisions of 29 O.S., Section 7-101, which designates a safety zone of the first 150 feet immediately below the dam on all reservoirs except Tenkiller, Canton, Salt Plains, and Fort Supply.
    - (2) The following rivers, lakes, and streams:
      - (A) The Illinois River and its tributaries above the Horseshoe Bend boat ramp on Tenkiller Reservoir and below the dam shall be closed at all times to such fishing.
      - (B) All waters designated as "Designated Trout Areas" during the open season for taking trout are closed.
      - (C) All waters within the boundaries of the Wichita Mountains Wildlife Refuge are closed.
      - (D) The Canadian River from Eufaula Dam tailwater Downstream for a distance of one (1) mile to be so designated by buoy or other appropriate marker is closed throughout the year.
      - (E) The Caney River from the Hulah Dam downstream to the confluence of the old and new river channels is closed.
      - (F) The following portions of the Grand River:
        - (i) The main river channel of Grand River below the turbine outlets of Grand River Dam downstream to the State Park Bridge is closed throughout the year.
        - (ii) That portion of the Grand River occurring below the spillway outlets of Grand River Dam downstream to the highline crossing (a distance of approximately 2 mile) is closed throughout the

## Emergency Adoptions

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year with the next 2 mile downstream from the highline crossing closed during periods when the spillway gates are closed.

(iii) That portion of the Grand River occurring from the Markham Ferry Dam (Lake Hudson Dam) downstream to the Highway 412 bridge from 10 p.m. to 6 a.m. year-round.

(G) The Arkansas River from the tailwaters below Keystone Dam downstream to the Interstate 44 (Skelly Drive) Bridge at Tulsa shall be closed at all times to such fishing.

(H) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.

(I) All Department Fishing Areas, all "Close To Home" fishing waters and Lakes Pickens, Carl Albert, Sooner and Konawa and all ponds and lakes in the Ouachita National Forest are closed.

(J) Lakes Hefner, Overholser (including tailwaters and downstream to NW 10<sup>th</sup> St. bridge) and Draper are closed.

(3) When snagging for paddlefish the hook must have the barbs removed or completely closed. Only one (1) rod and reel is permitted per angler when snagging.

(e) **Noodling.** Possession of hooks, gaffs, spears, poles with hooks attached and/or ropes with hooks attached while in the act of noodling, shall be proof of violation of the "hands only" noodling law. Noodling shall be lawful for nongame fish ~~only throughout the year in all and blue, channel, and flathead catfish; only during daylight hours throughout the year.~~

(1) Rivers and streams of the state, except:

(A) The Illinois River and its tributaries above Horseshoe Bend boat ramp on Tenkiller Reservoir and below the dam shall be closed at all times to such fishing.

(B) All waters designated as "Designated Trout Areas" during the open season for taking trout are closed.

(C) Kiamichi River from Hugo Dam downstream to the first railroad bridge is closed.

(D) The following portions of the Grand River:

(i) The main river channel of Grand River below the turbine outlets of Grand River Dam downstream to the State Park Bridge is closed throughout the year.

(ii) The Grand River occurring below the spillway outlets of Grand River Dam downstream to the

highline crossing is closed throughout the year except the day of and two (2) days following closure of the spillway gates when noodling will be legal.

(E) The Little River tributary of Thunderbird Reservoir above Franklin Road in Cleveland County is closed.

(2) Corps of Engineers and Bureau of Reclamation Reservoirs, Grand and Hudson Lakes.

(3) All waters within the boundaries of the Wichita Mountains Wildlife Refuge are closed.

(4) All Department Fishing Areas, all "Close To Home" fishing waters (except noodling is allowed in the North Canadian River from the NW 10<sup>th</sup> St. bridge downstream to the MacArthur St. bridge in Oklahoma City) and Lakes Pickens, Carl Albert, Taft, and Lone Chimney, Ponca and Carl Blackwell and all ponds and lakes in the Ouachita National Forest are closed.

(5) Lakes Hefner, Overholser (including tailwaters and downstream to NW 10<sup>th</sup> St. bridge) and Draper are closed.

(f) **Netting (noncommercial).** Netting (noncommercial) is closed statewide.

(g) **Collecting Bait for personal use.** Cast netting, trawl netting, dip netting, minnow traps and seining non-game fish commonly used for bait for personal use is lawful in all waters of this state unless specifically closed under 800:10-5-2, 800:10-5-3 and/or 800:10-5-6. Cast nets and dip nets shall have a mesh size no greater than three-eighths (3/8) inch square mesh. Seines shall not exceed twenty (20) feet in length, and the mesh shall be no larger than one-half (2) inch square unless seining for minnows then the mesh shall not exceed one-fourth (1/4) inch. Minnow traps shall have a mesh size no greater than one-half (2) inch, shall not be longer than three (3) feet, shall not exceed eighteen (18) inches in diameter on round traps or eighteen (18) inches on a side on square or rectangular traps. The trap entrance (throat) cannot exceed two (2) inches across the opening. No person shall fish with more than 3 minnow traps. All minnow traps must have the owner's name and address attached and the traps must be attended once every 24 hours. All game fish and non-game fish not commonly used for bait must be released immediately. Minnow traps cannot be made with glass.

[OAR Docket #13-1553; filed 12-31-13]

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# 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

**1:2013-44.**

### EXECUTIVE ORDER 2013-44

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to 25 O.S. § 90.19, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 5:00 p.m. Friday, January 3, 2014, until 8:00 a.m. Monday, January 6, 2014, to honor Chief Warrant Officer Two Randy L. Billings, 34, an Oklahoma soldier, who died on December 17, 2013, while on active duty supporting Operation Enduring Freedom in Afghanistan. His service to our country and state will never be forgotten.

This executive order shall be forwarded to the Division of Capital Assets Management, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

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 31st day of December, 2013.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

[OAR Docket #13-1554; filed 12-31-13]

**1:2014-1.**

### EXECUTIVE ORDER 2014-01

WHEREAS, the State of Oklahoma has and is continuing to experience an unusually cold winter and has experienced multiple winter storms that brought significant amounts of snow, ice, and freezing rain across our state. These weather conditions have resulted in an increased demand for liquefied petroleum gas (hereinafter referred to "Propane") and thereby depleted the amount of propane available in Oklahoma;

WHEREAS, many Oklahoma residents depend on the use of propane for survival during the winter months and the effects of the shortage are being felt throughout the state;

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting propane in our state will increase the amount of propane throughout the state, thereby reducing the potentially damaging effects of this shortage.

NOW, THEREFORE, I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. § 683.1 *et seq.*, and pursuant to Title 49 C.F.R. Part 390.23, hereby declare that because there is a state of emergency existing in the State of Oklahoma due to a liquefied petroleum gas shortage, it is necessary to assist and expedite all efforts of transportation of liquefied petroleum gas into and throughout Oklahoma. Further, pursuant to 52 O.S. § 421.1, I declare a Liquefied Petroleum Gas Emergency. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order the following as they apply to vehicles used in the support efforts:

1. Exemption from Parts 390 through 399 of Title 49 of the Federal Motor Carrier Safety Regulations; and
2. Trucks and operators carrying liquefied petroleum gas and meeting all certification, permit, and licensing requirements of the federal government and their home state shall be permitted to transport liquefied petroleum gas in and through Oklahoma without obtaining any license, permit, or certification required by this state.

Declaration of this emergency provides relief for 30 days from Sections 390 through 399 of the Federal Motor Carrier Safety regulations for those interstate and intrastate carriers who are providing direct assistance to this emergency. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate or intrastate commerce to transport cargo not destined for the emergency relief effort, or when a motor carrier dispatches such driver or vehicle to a location outside the relief area.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substance and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver License requirements (49 C.F.R. Part 383), the

## Executive Orders

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Financial Responsibility requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

This Order applies only to the transportation of liquefied petroleum gas to provide direct assistance to this emergency. No other products, including other petroleum products, are covered by the exemption and suspension under this Order.

This emergency notice will remain in effect for 30 days, January 6, 2014, through February 5, 2014.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

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 6<sup>th</sup> day of January, 2014.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

*[OAR Docket #14-15; filed 1-7-14]*

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**STATE BOND ADVISOR'S OFFICE  
NOTICE OF STATE CEILING AMOUNT FOR THE  
CALENDAR YEAR 2014**

In accordance with Title 62 O.S., Section 695.25, the maximum total volume (also referred to as "Volume Cap" or "State Ceiling Amount") of Private Activity Bonds that may be issued pursuant to federal law by the State of Oklahoma during calendar year 2014 is \$385,056,800. From the first business day of 2014 through September 1, 2014, the Volume Cap is subdivided into the following categories ("Pools") and amounts: (1) Qualified Small Issue Pool, \$46,206,816; (2) Exempt Facility Pool, \$9,626,420; (3) Beginning Agricultural Producer Pool, \$3,850,568; (4) Student Loan Pool, \$59,683,804; (5)

Economic Development Pool, \$46,206,816; (6) Oklahoma Housing Finance Agency Pool, \$57,758,520; (7) State Issuer Pool, \$15,402,272; (8) Metropolitan Area Housing Pool, \$48,132,100; (9) Rural Area Housing Pool, \$30,804,544; and (10) Local Issuer Single Family Pool, \$67,384,940. From September 2, 2014, to 9:00 a.m., December 20, 2014, any amount remaining to be allocated from these pools is combined and managed from the Consolidated Pool. On or after 9:00 a.m. on December 20, 2014, certain Private Activity Bond issuing authorities may apply to the State Bond Advisor to carry forward a portion of any remaining State Ceiling Amount.

[OAR Docket #14-01; filed 1-2-14]

