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Mary Fallin, Governor
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Secretary of State
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Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

TITLE 515. PARDON AND PAROLE BOARD CHAPTER 10. COMMUTATION PROCEDURES

[OAR Docket #16-163]

RULEMAKING ACTION:

Cancelled public hearing relating to a proposed PERMANENT rulemaking action

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- Subchapter 2. Commutation Eligibility Criteria [NEW]
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515:10-3-3. Qualification Review and Hearing by the Pardon and Parole Board [NEW]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published in the Oklahoma Register, Volume 33, Number 9, Page 245 on January 15, 2016.

CANCELLED COMMENT PERIOD:

January 15, 2016 to February 16, 2016

CANCELLED PUBLIC HEARING:

10:00 a.m., February 22, 2016, Ted R. Logan Meeting Center, Kate Barnard community Corrections Center, 3300 Martin Luther King Avenue, Oklahoma City, Oklahoma,

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced at a later date. For additional information, contact DeLynn Fudge, (405) 521-6600 or DeLynn.Fudge@ppb.ok.gov.

[OAR Docket #16-163; filed 2-12-16]

Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 20. OKLAHOMA EMPLOYEES INSURANCE AND BENEFITS BOARD

[OAR Docket #16-165]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

260:20-1-4. [AMENDED]

260:20-1-9. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-165; filed 2-19-16]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 25. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

[OAR Docket #16-166]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 5. Position Allocation and Employee
Classification System

Part 4. Assignment of Job Family Levels

260:25-5-44 [AMENDED]

Subchapter 7. Salary and Payroll

Part 1. Salary and rate of Pay

260:25-7-3 [AMENDED]

260:25-7-4 [AMENDED]

260:25-7-13 [AMENDED]

260:25-7-14 [AMENDED]

260:25-7-17 [AMENDED]

260:25-7-22 [AMENDED]

Subchapter 11. Employee Actions

Part 3. Probationary Employees

260:25-11-30 [AMENDED]

260:25-11-36 [AMENDED]

Part 5. Promotions

260:25-11-55 [AMENDED]

Part 13. Resignations

260:25-11-132 [AMENDED]

Subchapter 15. Time and Leave

Part 5. Miscellaneous Types of Leave

260:25-15-45 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-166; filed 2-19-16]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 45. EMPLOYEES GROUP INSURANCE ~~DIVISION~~ DEPARTMENT - ADMINISTRATIVE AND GENERAL PROVISIONS

[OAR Docket #16-167]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Purpose, Definitions, Rules and References

260:45-1-1. [AMENDED]

260:45-1-2. [AMENDED]

260:45-1-3. [AMENDED]

Subchapter 5. Grievance Panel Authority and Hearing
Procedures

260:45-5-5. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-167; filed 2-19-16]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 50. EMPLOYEES GROUP INSURANCE ~~DIVISION~~ DEPARTMENT - HEALTH, DENTAL, VISION AND LIFE PLANS

[OAR Docket #16-168]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Purpose and Definitions

260:50-1-2. [AMENDED]

Subchapter 3. Administration of Plans

260:50-3-13. [AMENDED]

260:50-3-15. [AMENDED]

260:50-3-17. [AMENDED]

260:50-3-19. [AMENDED]

Submissions to Governor and Legislature

260:50-3-20. [AMENDED]
260:50-3-25. [AMENDED]
Subchapter 5. Coverage and Limitations
Part 5. Life Benefits
260:50-5-20. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-168; filed 2-19-16]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 55. EMPLOYEES GROUP INSURANCE ~~DIVISION~~ DEPARTMENT - THE DISABILITY PLAN

[OAR Docket #16-169]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

260:55-1-2. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-169; filed 2-19-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 25. SOONERCARE CHOICE

[OAR Docket #16-157]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. SoonerCare
Part 1. General Provisions
317:25-7-5. [AMENDED]
(Reference APA WF # 15-27A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-157; filed 2-11-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #16-149]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 3. Hospitals
317:30-5-41. [AMENDED]
317:30-5-47. [AMENDED]
(Reference APA WF # 15-03)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-149; filed 2-11-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #16-150]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-11. [AMENDED]
317:30-3-11.1. [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 3. Hospitals
317:30-5-44. [AMENDED]
Part 83. Residential Behavior Management Services
317:30-5-744. [AMENDED]
Part 87. Birthing Centers
317:30-5-893. [AMENDED]
Part 97. Case Management Services for Under Age 18 at Risk of or in the Temporary Custody or Supervision of Office of Juvenile Affairs
317:30-5-973. [AMENDED]
Part 99. Case Management Services for Under Age 18 in Emergency, Temporary or Permanent Custody or Supervision of the Department of Human Services
317:30-5-993. [AMENDED]
Part 105. Residential Behavioral Management Services in Group Settings and Non-Secure Diagnostic and Evaluation Centers
317:30-5-1045. [AMENDED]
(Reference APA WF # 15-09)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-150; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #16-152]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-9. [AMENDED]

(Reference APA WF # 15-13)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-152; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #16-154]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 85. Advantage Program Waiver Services

317:30-5-763. [AMENDED]

(Reference APA WF # 15-14B)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-154; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #16-155]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 5. Pharmacies

317:30-5-72.1. [AMENDED]

(Reference APA WF # 15-15)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-155; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #16-156]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-4.1. [AMENDED]

317:30-3-15. [AMENDED]

317:30-3-30. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-3. [AMENDED]

(Reference APA WF # 15-22)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-156; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #16-158]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 75. Federally Qualified Health Centers

317:30-5-660.5. [AMENDED]

(Reference APA WF # 15-27B)

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-158; filed 2-11-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #16-159]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services
317:30-5-240.3. [AMENDED]
317:30-5-241.6. [NEW]
317:30-5-249. [AMENDED]
Part 67. Behavioral Health Case Management Services
[REVOKED]
317:30-5-595. [REVOKED]
317:30-5-596. [REVOKED]
317:30-5-599. [REVOKED]
Part 75. Federally Qualified Health Centers
317:30-5-660.3. [AMENDED]
317:30-5-661.4. [AMENDED]
317:30-5-664.1. [AMENDED]
317:30-5-664.5. [AMENDED]
Part 105. Residential Behavioral Management Services
in Group Settings and Non-Secure Diagnostic and
Evaluation Centers
317:30-5-1043. [AMENDED]
Part 110. Indian Health Services, Tribal Programs, and
Urban Indian Clinics (I/T/US)
317:30-5-1090. [AMENDED]
317:30-5-1094. [AMENDED]
317:30-5-1095. [AMENDED]
(Reference APA WF # 15-29)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-159; filed 2-11-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #16-160]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Agency Services
317:30-5-241.1. [AMENDED]
(Reference APA WF # 15-30)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-160; filed 2-11-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #16-161]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 22. Health Homes
317:30-5-251. [AMENDED]
317:30-5-252. [AMENDED]
(Reference APA WF # 15-32)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-161; filed 1-21-16]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #16-148]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 6. SoonerCare for Pregnant Women and
Families with Children

Part 5. Determination of Eligibility for SoonerCare Health Benefits for Pregnant Women and Families with Children

317:35-6-37. [AMENDED]

317:35-6-39. [AMENDED]

Part 7. Certification, Redetermination and Notification

317:35-6-64.1. [AMENDED]

Subchapter 7. Medical Services

Part 5. Determination of Eligibility for Medical Services

317:35-7-48. [AMENDED]

(Reference APA WF # 15-02)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-148; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #16-151]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Eligibility and Countable Income

Part 5. Countable Income and Resources

317:35-5-41.8. [AMENDED]

(Reference APA WF # 15-10)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-151; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #16-153]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 17. Advantage Waiver Services

317:35-17-5. [AMENDED]

(Reference APA WF # 15-14A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-153; filed 2-11-16]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #16-162]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. ICF/IID, HCBW/IID, and Individuals Age 65 or Older in Mental Health Hospitals

Part 11. Payment, Billing, and other Administrative Procedures

317:35-9-95. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-26. [AMENDED]

(Reference APA WF # 15-40)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 11, 2016

[OAR Docket #16-162; filed 2-11-16]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 4. TERM OF LICENSES**

[OAR Docket #16-170]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

765:4-1-1 [NEW]

765:4-1-2 [NEW]

765:4-1-3 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-170; filed 2-23-16]

Submissions to Governor and Legislature

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 10. USED MOTOR VEHICLE DEALERS

[OAR Docket #16-171]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:10-1-7 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-171; filed 2-23-16]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 15. USED MOTOR VEHICLE SALESPERSONS

[OAR Docket #16-172]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:15-1-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-172; filed 2-23-16]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 25. AUTOMOTIVE DISMANTLER AND PARTS RECYCLERS

[OAR Docket #16-173]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:25-1-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-173; filed 2-23-16]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 35. MANUFACTURED HOME DEALERS

[OAR Docket #16-174]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees

765:35-3-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-174; filed 2-23-16]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 36. MANUFACTURED HOME MANUFACTURERS

[OAR Docket #16-175]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees

765:36-3-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-175; filed 2-23-16]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 37. MANUFACTURED HOME INSTALLERS

[OAR Docket #16-176]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees
765:37-3-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-176; filed 2-23-16]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 38. MANUFACTURED HOME SALESPERSONS**

[OAR Docket #16-177]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees
765:38-1-5 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 19, 2016

[OAR Docket #16-177; filed 2-23-16]

**TITLE 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #16-182]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
777:1-1-4. Organization [AMENDED]
777:1-1-6. Records requests [AMENDED]
777:1-1-7. Procedures for declaratory rulings [AMENDED]
777:1-1-8. Petitions for adoption, amendment, or repeal of a rule [AMENDED]
777:1-1-9. Individual proceedings [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2016

[OAR Docket #16-182; filed 2-25-16]

**TITLE 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD
CHAPTER 10. STATEWIDE VIRTUAL CHARTER SCHOOLS**

[OAR Docket #16-183]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Statewide Virtual Charter School Sponsorship
777:10-3-3. Applications to sponsor statewide virtual charter schools; renewal and termination of contracts for sponsorship of statewide virtual charter schools [AMENDED]
777:10-3-5. Full-time virtual charter schools-succession of contractual rights and reversion of property to Statewide Virtual Charter School Board [AMENDED]
Subchapter 5. Statewide virtual Charter School Facilities
777:10-5-3. Statewide virtual charter school sites [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2016

[OAR Docket #16-183; filed 2-25-16]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS**

[OAR Docket #16-181]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
785:45-1-2. Definitions [AMENDED]
Subchapter 3. Antidegradation Requirements
785:45-3-2. Applications of antidegradation policy [AMENDED]
Subchapter 5. Surface Water Quality Standards
Part 3. Beneficial Uses and Criteria to Protect Uses
785.45-5-10. Public and private water supplies [AMENDED]
785.45-5-12. Fish and wildlife propagation [AMENDED]
Part 5. Special Provisions
785:45-5-25. Implementation Policies for the Antidegradation Policy Statement [AMENDED]
Appendix A. Designated Beneficial Uses of Surface Waters [REVOKED]
Appendix A. Designated Beneficial Uses for Surface Waters [NEW]

Submissions to Governor and Legislature

Appendix B. Areas with Waters of Recreational and/or Ecological Significance [REVOKED]

Appendix B. Areas with Waters of Recreational and/or Ecological Significance [NEW]

Appendix E. Requirements for Development of Site-specific Criteria for Certain Parameters [REVOKED]

Appendix E. Requirements for Development of Site-specific Criteria for Certain Parameters [NEW]

Appendix G. Numerical Criteria to Protect Beneficial Uses [REVOKED]

Appendix G. Numerical Criteria to Protect Beneficial Uses [NEW]

SUBMITTED TO GOVERNOR AND LEGISLATURE:

February 24, 2016

[OAR Docket #16-181; filed 2-24-16]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 46. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS

[OAR Docket #16-180]

RULEMAKING ACTION:

Submission to governor and legislature

RULES:

Subchapter 1. General Provisions

785:46-1-2. Definitions [AMENDED]

Subchapter 13. Implementation of Antidegradation Policy

785:46-13-1. Applicability and scope [AMENDED]

785:46-13-4. Tier 2 protection; maintenance and protection of High Quality Waters, ~~and~~ Sensitive Water Supplies, and Sensitive Water Supply-Reuse waterbodies [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2016

[OAR Docket #16-180; filed 2-24-16]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 50. FINANCIAL ASSISTANCE

[OAR Docket #16-179]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Projects and Entities Eligible

785:50-3-1. Project eligibility [AMENDED]

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-5. Emergency grant priority point system [AMENDED]

785:50-7-7. Disbursement of funds [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-2. Definitions [AMENDED]

785:50-8-3. Application review and disposition [AMENDED]

785:50-8-4. Applicable law; deadline for applications; eligible project costs [AMENDED]

785:50-8-5. REAP grant priority point system [AMENDED]

785:50-8-6. Disbursement of funds [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 1. General Provisions

785:50-9-9. Definitions

Part 3. General Program Requirements

785:50-9-21. Eligible project [AMENDED]

785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

785:50-9-24. Intended use plan [AMENDED]

785:50-9-27. Types of assistance [AMENDED]

785:50-9-30. Planning documents [AMENDED]

785:50-9-33. Application for financial assistance [AMENDED]

785:50-9-35. Loan closing [AMENDED]

785:50-9-45. Compliance with federal authorities [AMENDED]

Part 7. SRF Environmental Review Process

785:50-9-60. Requirement of environmental review [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 24, 2016

[OAR Docket #16-179; filed 2-24-16]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the *Register* unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #16-147]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 1. General Provisions
240:10-1-2. [AMENDED]

DATES:

Adoption:

December 1, 2015

Submission of adopted rules to Governor and Legislature:

December 8, 2015

Withdrawn:

February 9, 2016

ADDITIONAL INFORMATION:

Agency staff has determined that this rule must be withdrawn because a statutory amendment intended to work in conjunction with this rule was removed from the Agency request bill.

[OAR Docket #16-147; filed 2-9-16]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its 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 cites to 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 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[OAR Docket #16-42]

RULEMAKING ACTION:

EMERGENCY adoption

RULE:

Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records

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

AUTHORITY:

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

ADOPTION:

October 22, 2015

APPROVED BY GOVERNOR:

November 2, 2015

EFFECTIVE:

Immediately upon the Governor's approval

EXPIRATION:

Effective through September 14, 2016, unless superseded by another rule approved or disapproved by the legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

These rules are of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and are necessary to comply with the provisions of Oklahoma Statutes.

ANALYSIS:

The proposed rule for Chapter 1 update will and clarify the terms and processes used in obtaining documents under the Oklahoma Open Records Act.

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: tsherman@dps.state.ok.us

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

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

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

(a) **General.** The Department of Public Safety ("Department") is a "law enforcement agency", as defined under the Oklahoma Open Records Act, 51 O.S. § 24A.1, et seq., and also acts as a "state department of motor vehicles," as used in ~~department, as defined under the Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, et. seq.~~ Both of these acts place restrictions on records of the Department. the disclosure of Department records. These rules shall not replace, nor create, any obligation or requirement regarding the retention or disclosure of any record beyond those existing in current state and federal law.

(b) **Exemptions.** Records of the Department shall not be subject to the provisions of:

(1) Sections 305 through 317 of Title 67 of the Oklahoma Statutes or be transferred to the custody or control of the State Archives Commission;

(2) Section 590 of Title 21 of the Oklahoma Statutes; or

(3) The Records Management Act, Sections 201 through 215 of Title 67 of the Oklahoma Statutes.

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

(1) "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of the Department of Public Safety, or its representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public

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property. Any document or other material specifically excluded from the definition of "Record" in the Oklahoma Open Records Act, 51 O.S. § 24A.1, et seq., shall not be considered a "record" under this definition.

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

(3) **"Motor vehicle record"** means a driving record, a motor vehicle report, and any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Public Safety.;

(bd) **Records open for inspection.** All records of the Department, as defined herein other than records declared by law to be confidential, or any record or information not subject to the Oklahoma Open Records Act, or any record to which access has been denied pursuant to the Department's statutory authority, shall be open to public inspection, copying, or mechanical reproduction during regular business hours, which are not designated as confidential by any provision or requirement of Oklahoma law, federal law or regulation, or rule of the Department [OAC 595], and which are kept in connection with the transaction of public business, expenditure of public funds, or the administering of public property are open records.

(ee) **Records not open for inspection.** Records that are required by state and/or federal law to be confidential shall not be disclosed or open to inspection. In addition, the Department may deny access to certain records including, but not limited to, the following:

(1) Law enforcement records, except where a court finds that the public interest or the interest of an individual outweighs the reason for denial;

(2) Where access is denied pursuant to the Department's statutory authority;

(3) Personnel records, where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(4) Internal personnel investigations;

(5) Personal information within motor vehicle records. "Personal information" means information which identifies a person, including but not limited to, a photograph or image in a digitized or electronic format, social security number, residence address, mailing address, and medical or disability information. Law enforcement records and records which contain personal or confidential information obtained in connection with a person's driver license, if kept in any form, are not open records, including, but not limited to:

(1) Legal documents and materials prepared in anticipation of litigation and records protected by the state evidentiary privilege, including investigatory reports. These records are confidential and will not be released pursuant to the Open Records Act;

(2) Personal notes and personally created materials prepared as an aid to memory or research leading to the adoption of a public policy or implementation of a public project. These records may be kept confidential prior to taking action [51 O.S. § 24A.9].;

(3) Minutes of meetings lawfully closed to the public, such as executive sessions as authorized by the Open Meeting Act [24 O.S. § 301 et seq.; 51 O.S. § 24A.5,1,b].;

(4) Records that, if disclosed, would give an unfair advantage or disadvantage to competitors. [51 O.S. § 24A.10,B].;

(5) Confidential information obtained in connection with a person's driver license

(6) Copies of traffic warnings;

(7) Audio tapes, from Oklahoma Highway Patrol officers or dispatchers, of traffic incidents;

(8) Cell phone logs;

(9) Arrest reports, citations, or other information regarding a traffic arrest prior to final disposition for that arrest;

(10) Employee information normally kept in an employee's personnel file;

(11) Disciplinary actions which do not result in discharge, suspension, or loss of pay;

(12) Implied consent audio tapes in actions which are set aside by the hearing officer.

(13) Information concerning an individual where the driver license number or the name and date of birth is not provided.

(14) the requestor is not a lawful recipient.

(15) Collision reports, except to lawful recipients under 47 O.S. § 40-102 or § 6-117 or under rules of this subchapter.

(16) Oklahoma Highway Patrol Operations Manual.

(17) Training materials for Oklahoma Highway Patrol officers.

(18) Information contained on the Department's mainframe which would require programming or reprogramming in order to produce.

(19) Magnetic tapes, reels, or computer disks which contain confidential or privacy information.

(20) Citizen complaints prior to final disposition.

(21) Radio logs other than those applicable to a specific event.

(d) **Destruction of records.** Records of the Department shall be deemed no longer of value to the Department and may be destroyed pursuant to the conditions specified in this subsection; provided, nothing in this subsection shall compel the Department to destroy any record.

(1) **Record of conviction.**

(A) Any record of conviction of a holder of a Class D license or of an unlicensed operator of a Class D motor vehicle may be destroyed after five (5) years from the date of conviction.

(B) Any record of conviction of a holder of a Class A, B, or C commercial driver licensee or of an operator of a Class A, B, or C commercial motor vehicle

~~who is not licensed to operate such vehicle may be destroyed after ten (10) years; provided, any conviction for a major offense, as defined in 47 O.S., § 6-205.2, may not be destroyed until at least fifty five (55) years from the date of conviction.~~

~~(2) **Record of Department action.** A record of Department action against any operator of a motor vehicle may be destroyed after five (5) years from the date of reinstatement or other closure of the action; provided, any Department action against a holder of a Class A, B, or C commercial driver licensee or against an operator of a Class A, B, or C commercial motor vehicle who is not licensed to operate such vehicle may not be destroyed until at least fifty five (55) years from the date of reinstatement or other closure of the action.~~

~~(3) **Collision reports and incident reports.** A collision report or an incident report may be destroyed after five (5) years from the date the investigation of the collision or incident was completed.~~

~~(4) **Other records related to driving privileges.** Any other record related to driving privileges of a person may be destroyed after five (5) years from the last activity related to the record.~~

~~(5) **Personnel records.** Personnel records of a Department employee may be destroyed seven (7) years after the final date of employment.~~

~~(6) **Other records.** Any other record of the Department may be destroyed seven (7) years after the last activity related to the record.~~

[OAR Docket #16-42; filed 1-21-16]

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

[OAR Docket #16-41]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card
- Part 2. Application for Initial Driver License
- 595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]
- 595:10-1-5. Graduated driver license; persons under eighteen (18) years of age [AMENDED]
- Part 3. Driver License Renewal
- 595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]
- Part 5. Driver License Replacement
- 595:10-1-18. Procedure for obtaining a replacement driver license [AMENDED]
- Part 7. Identification Cards
- 595:10-1-26. Procedure for obtaining a renewal identification card [AMENDED]
- 595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]
- Part 19. Driver License and Identification Card Content

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

Subchapter 7. Points System

595:10-7-2. Points Assessed for conviction [AMENDED]

AUTHORITY:

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

ADOPTION:

October 22, 2015

APPROVED BY GOVERNOR:

November 2, 2015

EFFECTIVE:

Immediately upon the Governor's approval

EXPIRATION:

Effective through September 14, 2016, unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

These rules are of compelling public interest to protect public health, safety, and welfare of Oklahoma motorists and are necessary to comply with the provisions of Oklahoma Statutes.

ANALYSIS:

The amended rules are the result of legislation passed by the legislature and signed into law by the Governor. HB1860 authorizes the submission of notarized affidavit in purposes related to the issuance of driver licenses. The language adds a notarized affidavit signed by a custodial legal parent or guardian as a legal means for a minor to obtain a restricted license. SB0034 modifies language related to applying for renewal or replacement Oklahoma Class D licenses or identification cards. The bill removes language concerning the process for renewing the license or identification when the person is not in the state at the time of the renewal or at a time a replacement is required. It also clarifies the statute's language to permit the Department of Public Safety to develop by rule an alternative method of applying for a renewal or replacement license or identification card. SB0390 states piston displacement on a motorcycle driven by someone with a restricted Class D license with a motorcycle-only restriction should not exceed 300 centimeters. Points will now be assessed to CDL holders who are convicted of using a hand-held device while operating a commercial vehicle (SB183).

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: tsherman@dps.state.ok.us

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

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

PART 2. APPLICATION FOR INITIAL DRIVER LICENSE

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

(a) **Application.** Every applicant for an initial Oklahoma driver license shall appear before a Driver License Examiner [47 O.S. §6-110]. An application for a driver license must be completed either by the applicant at the Driver License Examination Station or online, when an electronic process is made available by the Department of Public Safety, prior to the

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commencement of the required examination. An emergency contact name, address and phone number may be included on the application, which emergency contact may be changed or removed at any time by the licensee or by the emergency contact. The emergency contact information shall be for use by the Department and law enforcement officers only. Upon submitting a completed and approved application, providing proof of identity [see (b) regarding required identification documents] and proof that the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], or having current and valid documentary evidence of lawful presence in the United States, and meeting all statutory requirements, and successfully completing every required examination [see Subchapter 3 of this Chapter relating to examinations], the applicant may then proceed to a motor license agent or the Department of Public Safety Headquarters, Driver License Examining Division, with a DL-10 form with primary and secondary identification presented to the examiner, issued by the Driver License Examiner, and pay the required fees and be issued a driver license. A person who has been declared to be a disabled veteran in receipt of compensation at the 100% rate for a permanent disability shall receive an original, renewal, or replacement driver license or identification card at no charge, upon presentation of one of the following documents:

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

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

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

- (A) A certified birth certificate, as issued by the appropriate state agency from the state of birth. A certified birth certificate issued by a city or county may be accepted if it is issued on secure document

paper and if the certificate either is from a state which the Department has verified authorizes the issuance of birth certificates certified by a city or county or contains a statement indicating the record is a copy of the facts on file with the state agency responsible for maintaining and certifying vital records. The birth certificate shall include the person's name, date of birth, and sex, shall be signed and sealed, and shall include the certificate number. The following documents are not acceptable:

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

(B) A United States passport,

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

(D) For a naturalized citizen of the United States, a Certificate of Naturalization issued by the United States Citizenship and Immigration Service. The name on the document must be the same as the name used by the applicant on the driver license or identification card, and for every person born in another country and adopted as a minor child by a United States citizen parent, a Certificate of Citizenship issued by the United States Citizenship and Immigration Service,

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

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

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

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

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

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

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

for a foreign national or legal permanent resident alien, an applicant shall present, in person, valid documentary evidence of one of the following:

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

- (i) I-688 Temporary Resident Card,
- (ii) I-688A/B Employment Authorization Card,
- (iii) I-766 Employment Authorization Card,
- (iv) I-551 Resident Alien/Permanent Resident Card [see (B)],
- (v) Temporary I-551,
- (vi) A-1,
- (vii) A-2,
- (viii) A-3,
- (ix) DA,
- (x) E-1,
- (xi) E-2,
- (xii) F-1, with Form I-20,
- (xiii) F-2, with Form I-20,
- (xiv) G-1,
- (xv) G-2,
- (xvi) G-3,
- (xvii) G-4,
- (xviii) G-5,
- (xix) H-1A,
- (xx) H-2A,
- (xxi) H-1B,
- (xxii) H-2B,
- (xxiii) H-3,
- (xxiv) H-4,
- (xxv) I,
- (xxvi) J-1, with IAP-66 or DS-2019,
- (xxvii) J-2 (dependent of J-1 holder, must be accompanied by J-1 holder),
- (xxviii) K-3,
- (xxix) K-4,
- (xxx) L-1(a/b),
- (xxxi) L-2,
- (xxxii) M-1, with I-20,
- (xxxiii) M-2 (dependent of M-1 holder, must be accompanied by M-1 holder),
- (xxxiv) NATO-1,
- (xxxv) NATO-2,
- (xxxvi) NATO-3,
- (xxxvii) NATO-4,
- (xxxviii) NATO-5,
- (xxxix) NATO-6,
- (xl) NATO-7,
- (xli) O-1

- (xliv) O-2
- (xliii) O-3
- (xliv) P-1
- (xlv) P-2
- (xlvi) P-3
- (xlvii) P-4
- (xlviii) Q-1
- (xlix) R-1
- (l) R-2
- (li) T-1
- (lii) T-2
- (liii) T-3
- (liv) T-4
- (lv) TC, with I-94 or letter form I-797,
- (lvi) TN-1,
- (lvii) TN-2,
- (lviii) TD,
- (lix) V-1,
- (lx) V-2,
- (lxi) V-3; or

(B) A permanent resident alien registration card issued by the United States Citizenship and Immigration Service (USCIS) which shall include the name, sex, and date of birth of the person identified in the card. The name, sex, and date of birth on the card shall be the name, sex, and date of birth used by the applicant on the driver license or identification card. A permanent resident alien registration card holder shall be allowed to renew his or her driver license or identification card at a motor license agency, provided, no changes are made to the name, sex, or date of birth. If, pursuant to 8 C.F.R., Section 264.5, a permanent resident alien registration card holder requests a name, sex, or date of birth change to his or her driver license or identification card, the changes shall be made at a driver license exam site with the applicant showing approved documentation provided by USCIS verifying the changes; or

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

(D) A pending application for any of the above documents shall not satisfy the requirements of this rule and shall not be acceptable for issuance of an original, renewal or replacement identification card or driver license. Provided, this provision shall not apply to the following:

- (i) A pending or approved application for asylum in the United States; or
- (ii) A pending or approved application for temporary protected status (TPS) in the United States; or
- (iii) A pending application for adjustment of status to legal permanent residence status or conditional resident status.

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(4) **Secondary proof of identification.** The following shall be presented by the applicant as secondary proof of identification and shall contain the name of the applicant:

(A) Any primary proof of identification listed in (1), (2), or (3), as applicable, of this subsection which is not used as the primary identification document of the applicant,

(B) For any person under the age of 18, an affidavit provided by the Department and signed by the parent or legal guardian,

(C) Photo identification card that is issued by an Oklahoma:

- (i) public, private, or parochial secondary school,
- (ii) institution of higher education,
- (iii) technology center school, or
- (iv) employer,

(D) Oklahoma gun permit,

(E) Pilot license,

(F) Oklahoma lifetime hunting or fishing license,

(G) Oklahoma voter identification card,

(H) Social Security card,

(I) Health insurance card,

(J) Motor vehicle registration or title,

(K) Marriage certificate,

(L) Separation or divorce judgment,

(M) High school, technology center school, college, or university diploma

(N) Professional degree, certificate, or license,

(O) Deed or title to property in Oklahoma, including a burial plot deed,

(P) Health, life, or home insurance policy issued to the applicant,

(Q) Automobile insurance policy or security verification form issued to the applicant,

(R) A valid U.S.D.O.T. health card, as required by 49 C.F.R. Part 391,

(S) Digital photograph comparison, if a Department-generated digital photograph is already on file with the Department,

(T) Identification documents issued by the United States Armed Services:

- (i) Military discharge (DD-214), unless specified not to be used for identification,
- (ii) Military identification card, or
- (iii) Military dependent identification card,

(U) United States Bureau of Indian Affairs identification card or a Oklahoma tribal photo identification card, approved by the Department of Public Safety (the Department shall maintain on its website a list of tribes which comply with this provision), which identifies the person and includes the following information:

- (i) color photograph of the person,
- (ii) full legal name of the person,
- (iii) birth date of the person,
- (iv) signature of the person,

(v) signature of person who verifies records, and

(vi) tribal seal,

(V) Expired Oklahoma Driver License,

(W) Expired Oklahoma Identification Card,

(X) Oklahoma Tax Commission Agricultural Exemption Permit (tax exempt card),

(Y) Department of Corrections cards including:

(i) Department of Consolidated Record Card

(ii) Department of Corrections Inmate Identification Card,

(Z) Transportation Worker Identification Credential (TWIC card), or

(AA) Out-of-State driver license, or

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

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

(A) when the Department is unable to determine the reliability or validity of the identification document(s) presented, or

(B) as provided in OAC 595:10-1-35.

(c) **Driver license numbers.**

(1) Driver license numbers shall be assigned by computer. Use of the applicant's Social Security number as the driver license number is prohibited [47 O.S. § 6-106(B)]; provided, every applicant shall provide the Department with the Social Security number of the applicant [47 O.S., § 6-106(B),12], which shall be verified before a driver license shall be issued to the applicant. Verification shall be accomplished using the Social Security On-line Verification (SSOLV) system. The Department shall refer any applicant to the Social Security Administration whenever the Social Security number cannot be verified for the applicant.

(2) Any licensee may request to change his or her driver license number to any nine-digit number which is not in use or has not been previously used by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement license [see OAC 595:10-1-18 regarding replacement driver licenses]

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

(a) **Purpose.** The purpose of this Section is to establish the procedures for a person under the age of eighteen (18) years to apply for and be issued a Class D driver license and whose parent has not filed an objection with the Department prohibiting the licensing of the person [47 O.S. § 6-103.1].

(b) **Exclusions.** This Section does not apply to motorcycles and other motor-driven cycles.

(c) **Learner Permit.** A person at least 15 1/2 but less than 16, who is currently receiving instruction in or has successfully completed a driver education course, or a person at least 16, with or without driver education, may make application to the Department for a Learner Permit. The Department will issue a Learner Permit under this subsection if the Department approves the application and if the person successfully passes all required examinations and is otherwise eligible for the driver license [47 O.S. §§ 6-103, 6-105].

(1) **Application requirements.** The applicant shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues a learner permit to the person.

(A) The applicant shall provide proof of identity and other required documentation [see (B)], submit all application information, sign the application, and successfully pass the vision and written tests. The applicant shall have his or her driver license application signed by a legal custodial parent or legal guardian of the applicant either in person before a person authorized to administer oaths, electronically if completing an online application, or by a responsible adult if there is no parent or guardian submit a notarized affidavit approved by the Department of Public Safety that is signed by a custodial legal parent or legal guardian. [47 O.S. § 6-107(A)].

(B) Documentation shall be submitted proving:

- (i) compliance with the school attendance requirements prescribed in 47 O.S. § 6-107.3,
- (ii) successful passage of the eighth grade reading test as prescribed in 47 O.S. § 6-107.3(A)(2) and 70 O.S. § 1210.515, and
- (iii) for an applicant at least 15 1/2 years of age but less than 16 years of age, documentation of attendance or successful completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be submitted. If the applicant is 16 years of age or older and has successfully completed a driver education course, documentation may be submitted. Documentation of attendance shall be the green card issued to the person from the driver education instructor, a signed contract or an attendance card issued for the person by the commercial driver education school, or an affidavit from the Department of Public Safety and a receipt of purchase from a parent-taught driver education provider. Documentation of completion shall be the completed green card issued to the person from the driver education instructor, a completion certificate issued to the person by the commercial driver education school, or a completion certificate from a parent-taught driver education provider. Any applicant who has completed driver education at a public high school in a state other than Oklahoma shall be required to obtain a green card issued by the Oklahoma high school in which he or she is currently enrolled. ~~Proof of driver education from an out-of-state commercial driver education~~

~~program shall not be acceptable. A completion certificate from a Driver Education Course certified by a state other than Oklahoma shall be acceptable.~~

(2) **Driving restrictions.** The permittee is authorized to operate a Class D motor vehicle between the hours of 5:00 a.m. and 10:00 p.m. and only *while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee* [47 O.S. § 6-105(C)(2)]; provided, the license of the accompanying driver shall be current and valid.

(3) **Other information.** During the period the permittee is issued and possesses a Learner permit, the custodial legal parent or legal guardian shall ensure that the permittee *has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years* [47 O.S. §6-105(D)(1)(c)]; provided, the license of the driver providing behind-the-wheel training shall be current and valid.

(d) **Intermediate License.** When a permittee *has applied for, been issued, and has possessed a Learner Permit for a minimum of six (6) months* [47 O.S. § 6-105(D)(1)(a)], the permittee may apply to the Department for an Intermediate License.

(1) **Application requirements.** The permittee shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues an Intermediate License to the permittee.

(A) The permittee shall provide proof of identity and successfully pass the driving skills tests,

(B) The person must not have been, within the previous 6 months, convicted of, pled guilty to, or pled no contest to any moving vehicle violation [47 O.S. § 6-105(D)(1)(b)],

(C) the permittee's parent or legal guardian shall *certify to the Department by sworn affidavit that the permittee has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years* [47 O.S. §6-105(D)(1)(c)]; provided, the license of the driver providing behind-the-wheel training shall be current and valid, and

(D) for a person who was issued a learner permit and who was less than 16 years of age at the time of issuance pursuant to (c)(1)(B)(iii), documentation of successful completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be submitted. Documentation of completion shall be the completed green card issued to the person from the driver education instructor or a completion certificate issued to the person by the commercial driver education school. If such documentation is not presented, the person shall

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not be eligible for issuance of an intermediate license until the person is at least 16 1/2 years of age.

(2) **Driving restrictions.** The intermediate licensee shall be:

(A) restricted to driving:

(i) *only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or*

(ii) *at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee; provided the license of the accompanying driver shall be current and valid, and*

(B) *shall not operate a motor vehicle with more than one passenger unless:*

(i) *all passengers live in the same household as the custodial legal parent or legal guardian, or*

(ii) *a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee; provided the license of the accompanying driver shall be current and valid. [47 O.S. § 6-105(D)(2)].*

(e) **Class D driver license.** An intermediate licensee may apply to the Department for a Class D driver license if the licensee has applied for, been issued and possessed an Intermediate License for a minimum of:

(1) *one (1) year; or*

(2) *six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph c of paragraph 1 of subsection D of this section [47 O.S. § 61-05(E)(1)].*

(A) **Application requirements.** The licensee shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues a Class D driver license to the licensee.

(i) The licensee shall provide proof of identity and successfully pass the driving skills tests;

(ii) The licensee must not have been convicted of, pled guilty to, or pled no contest to any moving vehicle violation [47 O.S. § 6-105(D)(1)(b)]; and

(iii) for a person who has completed both driver education and the parent-certified behind-the-wheel training, documentation shall be submitted. Documentation of completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be the completed green card issued to the person from the driver education instructor or a completion certificate issued to the person by the commercial driver education school. Documentation of completion of parent-certified behind-the-wheel training shall be by affidavit signed by the parent and approved by the Department of Public Safety.

(B) **Driving restrictions.** The Department may restrict the driving privileges of any person as provided by law [47 O.S. § 6-113].

(f) **Persons licensed by another jurisdiction.** A person who, at the time of application, is licensed by another jurisdiction, or whose license is expired not more than 6 months past the expiration date listed on the license, may apply for driving privileges under this Section. As used in this subsection, "another jurisdiction" means one of the fifty (50) states, the District of Columbia, or a Canadian province.

(1) **Learner Permit.** If the person is operating under a learner permit, or equivalent, issued by another jurisdiction, the person may apply for:

(A) A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit; or

(B) An Intermediate License, as provided in subsection (d), if driving privileges granted by another jurisdiction have been in effect for a minimum of six (6) months; provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License.

(2) **Intermediate License.** If the person is operating under an intermediate license, or equivalent, issued by another jurisdiction, the person may apply for:

(A) A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit;

(B) An Intermediate License, as provided in subsection (d); provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License; or

(C) A Class D Driver License, as provided in subsection (e), if driving privileges granted by another jurisdiction have been in effect for a minimum of twelve (12) months; provided, a person who is less than sixteen and one half (16 1/2) years of age shall not be issued a Class D Driver License; or

(3) **Class D Driver License.** If the person is operating under a Class D Driver License, or equivalent, issued by another jurisdiction, the person may apply for:

(A) A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit;

(B) An Intermediate License, as provided in subsection (d); provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License; or

(C) A Class D Driver License, as provided in subsection (e), if driving privileges granted by another jurisdiction have been in effect for a minimum of twelve (12) months; provided, a person who is less than sixteen and one half (16 1/2) years of age shall not be issued a Class D Driver License.

(4) **Considerations.**

(A) Credit shall be given for the time driving privileges have been granted and in effect, as evidenced

by another jurisdiction. Evidence of driving privileges shall be confirmed by the issuance date on the permit or license from another jurisdiction, by the issuance date provided by the other jurisdiction, or both; provided, the earliest date shall be the date used to calculate credit.

(B) Examinations may be waived as provided in OAC 595:10-3-9(h).

PART 3. DRIVER LICENSE RENEWAL

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

(a) **General requirements.** During the month of expiration or as provided in (d) of this Section, each licensee shall present proper identification and pay the required fee to a Motor License Agent or to the Driver License Services Division of the Department of Public Safety for renewal of the driver license of the licensee. Failure to renew a driver license by the end of the month of expiration shall not relieve the person of the obligation to renew his or her driver license under the provisions required by law and this Section if the person wishes to keep his or her driver license in force.

(b) **Required identification.**

(1) **Renewal with valid and unexpired driver license.** The valid and unexpired Class D license provided as the primary identification may be retained by the licensee, after the motor license agent has first punched a hole through the identification number of the license. The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(4).

(2) **Renewal with an expired driver license.** The expired Class D driver license provided as the primary identification may be retained by the licensee, after the motor license agent has first punched a hole through the identification number of the license. The person shall provide primary identification as prescribed in OAC 595:10-1-3(b)(2), as appropriate. Any applicant with a license expired more than one

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

(c) **Vision examination.** Persons holding a commercial driver license shall, upon renewal, meet the vision standards established in OAC 595:10-5-7 and 49 C.F.R. § 391.41.

(d) **Limitations to issuance of a renewal driver license.**

(1) A renewal driver license will be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation or denial and who complies with this Section.

(2) Any applicant who requests a renewal of his or her driver license when the license has been expired in excess of three (3) years is required to appear before a Driver License Examiner, pursuant to OAC 595:10-1-2.

(e) **Early renewal of a driver license.** Any licensee may renew his or her driver license no more than one (1) year prior

to the expiration date. A renewal which occurs more than one (1) year prior to the expiration date shall be treated as a replacement under the provisions of OAC 595:10-1-18.

(f) **Change of driver license number.**

(1) Use of the licensee's Social Security number as the driver license number is prohibited. At the time of renewal, any licensee whose driver license number is his or her Social Security number shall inform the Department or the motor license agent of that fact. If the numbers are the same, a new driver license number will be assigned for the licensee by computer [47 O.S. § 6-106(B)].

(2) Any licensee may request to change his or her driver license number to any nine-digit number by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement license [see OAC 595:10-1-18 regarding replacement driver licenses].

(g) **Persons who may appear before a motor license agent.** An individual, who has previously held an Oklahoma Class D driver license that has been surrendered to another state in exchange for the other state's license, may apply directly to a motor license agent for reactivation of the previous Oklahoma Class D license, upon establishing Oklahoma residence and following the applicable procedure for renewal. The agent shall call the Driver License Services Division and request clearance to issue the license. Any applicant with a license expired more than one (1) year past the expiration date and the original issue date was before 11/01/2007 must show proof of legal presence in this country. If the motor license agent's operator is not Birth Certificate certified the applicant must go to an agent who is certified or they must see a Driver License Examiner. If the clearance is given by the Department, the person shall surrender the out of state license to the agent, and the agent shall issue the Oklahoma license. If the out of state license has been lost or destroyed, the person shall provide to a motor license agent a notarized affidavit of that fact. In no case shall the out of state driver license be retained by the person when an Oklahoma license has been issued to the person. The agent shall retain the license and submit it to the Department with the agent's report. If clearance is not given, the person shall be informed to contact the state whose action is causing the clearance to be withheld.

(h) **Persons unable to appear due to medical situation.** An individual, who is an Oklahoma resident and who is located within the state, may declare in writing to the Department that, because of a medical reason or condition, he or she is unable to appear in person to renew his or her driver license, in which case the Department shall issue by mail an identification card to the person and shall not issue a driver license. The driver license shall be surrendered by the individual to the Department prior to issuance of the identification card. The individual shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(i) **Renewing driver license - not in person.** The Department may create an alternative method where any Oklahoma Class D driver license holder may apply to the Department of

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Public Safety to renew his or her Class D driver license without appearing in person as provided in this Section.

(1) The Class D driver license holder shall make application online or in writing to the Department and shall submit to the Department:

(A) copies of documentary evidence of the applicant's name and date of birth and

(B) the applicant's Class D driver license number, and

(C) both the Oklahoma residence address and Oklahoma mailing address with the specification as to which address is to be displayed on the license (display of both the residence address and mailing address, or any combination thereof, is prohibited; provided, this subsection shall not be construed to prohibit display of a residence address if it is also the mailing address); provided, if the address is different than the address on record at the Department, the application for renewal without appearing in person shall be denied by the Department, and

(D) the number of a nationally-recognized credit card and authorization for the required fee for the renewal Class D driver license to be paid by the applicant to the Department using the credit card; and

(E) the applicant's signature.

(2) Submission of the items required in (1) shall be made in one of the following manners:

(A) online application: www.dps.state.ok.us/dlrenewal/, or

(B) by first class mail: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136

(3) Method of payment:

(A) online: if you are submitting your application online you may only pay by credit card.

(B) by mail: if the applicant is submitting their application by mail they must include a cashier's check or money order along with the required documents. No personal checks or other forms of payment will be accepted.

(4) If the Department approves the renewal Class D driver license without appearing in person, pursuant to the requirements of this chapter, and:

(A) if the digital photograph and digital signature of the applicant are available from the files of the Department, the Department shall create the renewal Class D driver license using that photo and signature, or

(B) if the digital photograph and digital signature of the applicant are not available from the files of the Department, the Department shall not create the renewal Class D driver license unless the applicant has submitted an approved photo that can be used as a comparison against the previous image collected.

(5) The Department shall mail the renewal Class D driver license only to the address of record of the Class

D driver license holder; however, if the applicant is temporarily residing out of state, the Department may, if requested, mail the renewal license to the out-of-state address provided by the licensee.

(6) If the Department denies the renewal Class D driver license to the applicant pursuant to this Section, the Department shall notify the applicant in writing of the denial, the reason for the denial, return any payment submitted by the applicant, and the applicant shall be required to appear in person for the renewal of the Class D driver license.

(7) A renewal Class D driver license without appearing in person shall be approved only when the immediately previous renewal was in person.

PART 5. DRIVER LICENSE REPLACEMENT

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

(a) **General requirements.** Any person requiring a replacement driver license because the license was lost, stolen, or mutilated or because information on the license needs to be changed may request a motor license agent to issue a replacement, upon presentation of proper identification and payment of the required fee.

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

(c) **Required identification to change information and replace a license.**

(1) **Name change.** Any person who requests a replacement driver license in order to make a name change shall comply with the primary and secondary identification requirements prescribed in OAC 595:10-1-3(b) in order to identify the person by his or her former name and with OAC 595:10-1-35 in order to identify the person by his or her new name. The former name shall be entered into the "Alias" field in the driver license database to provide historical information to the Department. The person requesting the name change may retain the old license, if it is available and is a Class D driver license, after the motor license agent has first punched a hole through the identification number of the license.

(2) **Address change.** Any person who requests a replacement driver license in order to make an address change shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b). The person requesting the address change may retain the old license, if it is available, after the motor license agent has first punched a hole through the identification number of the license. An address change shall be made only to an Oklahoma address.

(3) **Endorsement or restriction change.** Any person who requests a replacement driver license in order to change endorsement or restriction information on the license shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b). The person requesting the information change may retain the old

license, if it is available, after the motor license agent has first punched a hole through the identification number of the license.

(4) **Sex change.** The licensee shall show an original or certified court order for name change, if applicable, and a notarized statement on letterhead from the physician who performed the sex change operation indicating the applicant or licensee has undergone a complete physical sex change. The letter shall state the sex change is "irreversible and permanent". The licensee shall also show proof of former legal name. The former name shall be entered into the "Alias" field in the driver license database to provide historical information to the Department. The person requesting the information change may retain the old license, if it is available, after the motor license agent has first punched a hole through the identification number of the license.

(d) **Limitations to issuance of a replacement driver license.** A replacement driver license will be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation, or denial and who complies with this Section.

(e) **Change of driver license number.**

(1) Use of the licensee's Social Security number as the driver license number is prohibited. At the time of replacement, any licensee whose driver license number is his or her social security number shall inform the Department or the motor license agent of that fact. If the numbers are the same, a new driver license number will be assigned for the licensee by computer [47 O.S. § 6-106(B)].

(2) Any licensee may request to change his or her driver license number to any nine-digit number by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement.

(f) **Persons unable to appear due to medical situation.** An individual, who is an Oklahoma resident and who is located within the state, may declare in writing to the Department that, because of a medical reason or condition, he or she is unable to appear in person to replace his or her driver license, in which case the Department shall issue by mail an identification card to the person and shall not issue a driver license. The driver license shall be surrendered, if available, by the individual to the Department prior to issuance of the identification card. The individual shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(g) **Replacing driver license - not in person.** The Department may create an alternative method where any Oklahoma Class D driver license holder may apply to the Department of Public Safety to replace his or her Class D driver license without appearing in person as provided in this Section.

(1) The Class D driver license holder shall make application online or in writing to the Department and shall submit to the Department:

(A) copies of documentary evidence of the applicant's name and date of birth, and

(B) the applicant's Class D driver license number, and

(C) both the Oklahoma residence address and Oklahoma mailing address with the specification as to which address is to be displayed on the license (display of both the residence address and mailing address, or any combination thereof, is prohibited; provided, this subsection shall not be construed to prohibit display of a residence address if it is also the mailing address); provided, if the address is different than the address on record at the Department, the application for replacement without appearing in person shall be denied by the Department, and

(D) the number of a nationally-recognized credit card and authorization for the required fee for the replacement Class D driver license to be paid by the applicant to the Department using the credit card; and

(E) the applicant's signature.

(2) Submission of the items required in (1) shall be made in one of the following manners:

(A) online application: www.dps.state.ok.us/dlreplacement/, or

(B) by first class mail: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136

(3) Method of payment:

(A) online: if you are submitting your application online you may only pay by credit card,

(B) by mail: if the applicant is submitting their application by mail they must include a cashier's check or money order along with the required documents. No personal checks or other forms of payment will be accepted.

(4) If the Department approves the replacement Class D driver license without appearing in person, pursuant to the requirements of this chapter, and:

(A) if the digital photograph and digital signature of the applicant are available from the files of the Department, the Department shall create the replacement Class D driver license using that photo and signature, or

(B) if the digital photograph and digital signature of the applicant are not available from the files of the Department, the Department shall not create the replacement Class D driver license unless the applicant has submitted an approved photo that can be used as a comparison against the previous image collected.

(5) The Department shall mail the replacement Class D driver license only to the address of record of the Class D driver license holder; however, if the applicant is temporarily residing out of state, the Department may, if requested, mail the replacement license to the out-of-state address provided by the licensee.

(6) If the Department denies the replacement Class D driver license to the applicant pursuant to this Section, the Department shall notify the applicant in writing of the denial, the reason for the denial, return any payment submitted by the applicant, and the applicant shall be required

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to appear in person for the replacement Class D driver license.

(7) A replacement Class D driver license without appearing in person shall be approved only when the immediately previous renewal was in person.

PART 7. IDENTIFICATION CARDS

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

(a) **General requirements.** During the month of expiration or as provided in (c) of this Section, any identification card holder, who wishes to keep his or her identification card in force, may present proper identification to a motor license agency and pay the required fee to a Motor License Agent or to the Driver License Services Division of the Department of Public Safety. Identification cards issued to individuals who have attained the age of 65 or older are issued for an indefinite period of time and are not subject to this Section. Failure to renew an identification card during the month of expiration shall not relieve the person of the obligation to renew the identification card under the provisions required by law and this Section if the person wishes to keep the identification card in force.

(b) Required identification.

(1) **Renewal with expiring or expired identification card.** The expiring or expired identification card provided as the primary identification may be retained by the cardholder, after the motor license agent has first punched a hole through the identification number of the card. The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(2).

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

(c) **Early renewal of an identification card.** Any identification card holder may renew his or her identification card not more than one (1) year prior to the expiration date. A renewal which occurs more than one (1) year prior to the expiration date shall be treated as a replacement under the provisions of OAC 595:10-1-27.

(d) **Change of identification card number.** Use of the cardholder's Social Security number as the identification card number is prohibited.

(e) **Persons who may appear before a motor license agent.** An individual who has previously held an Oklahoma identification card may apply directly to a motor license agent for renewal of the previous Oklahoma identification card, upon establishing Oklahoma residence and following the applicable procedure for renewal.

(f) **Renewing identification card - not in person.** The Department may create an alternative method where any Oklahoma Identification card holder may apply to the Department of Public Safety to renew his or her Identification card without appearing in person as provided in this Section.

(1) The Identification card holder shall make application online or in writing to the Department and shall submit to the Department:

(A) copies of documentary evidence of the applicant's name and date of birth, and

(B) the applicant's Identification card number, and

(C) both the Oklahoma residence address and Oklahoma mailing address with the specification as to which address is to be displayed on the identification card (display of both the residence address and mailing address, or any combination thereof, is prohibited; provided, this subsection shall not be construed to prohibit display of a residence address if it is also the mailing address); provided, if the address is different than the address on record at the Department, the application for renewal without appearing in person shall be denied by the Department, and

(D) the number of a nationally-recognized credit card and authorization for the required fee for the renewal Identification card to be paid by the applicant to the Department using the credit card; and

(E) the applicant's signature.

(2) Submission of the items required in (1) shall be made in one of the following manners:

(A) online application: www.dps.state.ok.us/dlrenewal/, or

(B) by first class mail: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136

(3) Method of payment:

(A) online: if you are submitting your application online you may only pay by credit card.

(B) by mail: if the applicant is submitting their application by mail they must include a cashier's check or money order along with the required documents. No personal checks or other forms of payment will be accepted.

(4) If the Department approves the renewal Identification card without appearing in person, pursuant to the requirements of this chapter, and:

(A) if the digital photograph and digital signature of the applicant are available from the files of the Department, the Department shall create the renewal Identification card using that photo and signature, or

(B) if the digital photograph and digital signature of the applicant are not available from the files of the Department, the Department shall not create the renewal Class D driver license unless the applicant has submitted an approved photo that can be used as a comparison against the previous image collected.

(5) The Department shall mail the renewal Identification card only to the address of record of the Identification card holder; however, if the applicant is temporarily residing out of state, the Department may, if requested, mail the renewal identification card to the out-of-state address provided by the card holder.

(6) If the Department denies the renewal Identification card to the applicant pursuant to this Section, the Department shall notify the applicant in writing of the denial, the

reason for the denial, return any payment submitted by the applicant, and the applicant shall be required to appear in person for the renewal Identification card.

(7) A renewal Identification card without appearing in person shall be approved only when the immediately previous renewal was in person.

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

(a) **General requirements.** Any person requiring a replacement identification card because the card was lost, stolen, or mutilated or because information on the card needs to be changed may request a motor license agent or the Department to issue a replacement, upon presentation of proper identification and payment of the required fee.

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

(c) **Required identification to change information and replace an identification card.**

(1) **Name change.** Any person who requests a replacement identification card in order to make a name change must comply with the primary and secondary identification requirements prescribed in OAC 595:10-1-3(b) in order to identify the person by his or her former name and with OAC 595:10-1-35 in order to identify the person by his or her new name. The former name shall be entered into the "Alias" field in the identification card database to provide historical information to the Department. The person requesting the name change may retain the old card, if it is available, after the motor license agent has first punched a hole through the identification number of the card.

(2) **Address change.** Any person who requests a replacement identification card in order to make an address change shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b). The person requesting the address change may retain the old card, if it is available, after the motor license agent has first punched a hole through the identification number of the card. An address change shall be made only to an Oklahoma address.

(3) **Sex change.** The cardholder shall show an original or certified court order for name change, if applicable, and a notarized statement on letterhead from the physician who performed the sex change operation indicating the applicant or licensee has undergone a complete physical sex change. The letter shall state the sex change is "irreversible and permanent". The cardholder shall also show proof of former legal name. The former name shall be entered into the "Alias" field in the identification card database to provide historical information to the Department. The person requesting the information change may retain the old card, if it is available, after the motor license agent has first punched a hole through the identification number of the card.

(d) **Change of identification card number.** Use of the cardholder's Social Security number as the identification card number is prohibited.

(e) **Persons who may appear before a motor license agent.** An individual who has previously held an Oklahoma identification card may apply directly to a motor license agent for replacement of the previous Oklahoma identification card, upon establishing Oklahoma residence and following the applicable procedure for replacement.

(f) **Replacing identification card - not in person.** The Department may create an alternative method where any Oklahoma Identification card holder may apply to the Department of Public Safety to replace his or her Identification card without appearing in person as provided in this Section.

(1) The Identification card holder shall make application online or in writing to the Department and shall submit to the Department:

(A) copies of documentary evidence of the applicant's name and date of birth, and

(B) the applicant's Identification card number, and

(C) both the Oklahoma residence address and Oklahoma mailing address with the specification as to which address is to be displayed on the identification card (display of both the residence address and mailing address, or any combination thereof, is prohibited; provided, this subsection shall not be construed to prohibit display of a residence address if it is also the mailing address); provided, if the address is different than the address on record at the Department,

the application for replacement without appearing in person shall be denied by the Department, and

(D) the number of a nationally-recognized credit card and authorization for the required fee for the replacement Identification card to be paid by the applicant to the Department using the credit card; and

(E) the applicant's signature.

(2) Submission of the items required in (1) shall be made in one of the following manners:

(A) online application: www.dps.state.ok.us/dlreplacement/, or

(B) by first class mail: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136

(3) Method of payment:

(A) online: if you are submitting your application online you may only pay by credit card.

(B) by mail: if the applicant is submitting their application by mail they must include a cashier's check or money order along with the required documents. No personal checks or other forms of payment will be accepted.

(4) If the Department approves replacement Identification card without appearing in person, pursuant to the requirements of this chapter, and:

(A) if the digital photograph and digital signature of the applicant are available from the files of the Department, the Department shall create the replacement Identification card using that photo and signature, or

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(B) if the digital photograph and digital signature of the applicant are not available from the files of the Department, the Department shall not create the replacement Class D driver license unless the applicant has submitted an approved photo that can be used as a comparison against the previous image collected.

(5) The Department shall mail the replacement Identification card only to the address of record of the Identification card holder; however, if the applicant is temporarily residing out of state, the Department may, if requested, mail the replacement identification card to the out-of-state address provided by the card holder.

(6) If the Department denies the replacement Identification card to the applicant pursuant to this Section, the Department shall notify the applicant in writing of the denial, the reason for the denial, return any payment submitted by the applicant, and the applicant shall be required to appear in person for the replacement Identification card.

(7) A replacement Identification card without appearing in person shall be approved only when the immediately previous renewal was in person.

PART 19. DRIVER LICENSE AND IDENTIFICATION CARD CONTENT

595:10-1-92. Driving restriction codes

A restriction or restrictions may be placed upon a person's driving privilege as deemed necessary by the Department [47 O.S. §6-113]. The restriction(s) will appear as a code on the person's driver license. Following are the various driving restriction codes and their meanings:

- (1) 1. Corrective lenses
- (2) 2. Left outside rearview mirror
- (3) 3. Restriction 1 or 2
- (4) 4. Automatic transmission
- (5) 5. Turn indicators, power steering, or steering knob
- (6) 6. Food, fruit, or candy within reach of driver
- (7) 7. Adequate artificial limbs
- (8) 8. Detailed restriction - Inquire Oklahoma driver license file (This restriction code is used when other restrictions are not applicable. A narrative explaining the restriction will appear on the person's driver license file.)

(9) 9. Accompanied by licensed driver age 21 or older in front seat

(10) 0. Motorcycle only - if under age 16, restricted to ~~250~~ 300cc motorcycle or motor scooter between the hours of 4:30 a.m. and 9:00 p.m.

(11) A. Regardless of age, when operating a motorcycle must be in view of a person who is licensed to operate a motorcycle or motor-driven cycle and who is at least 21 years old

(12) E. When operating a commercial motor vehicle, restricted to automatic transmission

(13) G. Inquire of Oklahoma driver license file until age 17 or older

(14) K. CDL intrastate only

(15) L. When operating a commercial motor vehicle, restricted to a vehicle without air brakes

(16) M. When operating a passenger bus, restricted to Class B or C commercial motor vehicle

(17) N. When operating a passenger bus, restricted to a Class C commercial motor vehicle

(18) O. Restricted from operating tractor trailer vehicles

(19) R. Ignition interlock device

(20) V. Medical variance

(21) W. No Passengers (P or S) or Empty/Purged Tank Vehicle (N); provided, this restriction shall be used only on a commercial learner.

(22) Z. When operating a commercial motor vehicle with air brakes, restricted to air over hydraulic

SUBCHAPTER 7. POINTS SYSTEM

595:10-7-2. Points assessed for conviction

The following points shall be assessed to the driving record of any licensed or unlicensed person for the offenses which the Department of Public Safety has received a final conviction from any court having jurisdiction of the violations as stated below:

VIOLATION	POINTS
Reckless driving without regard for the safety of others	4
Failure to stop or to remain stopped for school bus loading or unloading	4
Speeding in excess of 25 M.P.H. above the posted speed limit	3
Inattentive driving resulting in a collision	2
Left of center or wrong way	2
Failure to yield right of way	2
Violation of driver license restrictions	2
Following too close or improperly	2

Emergency Adoptions

Failure to obey stop sign or traffic light	2
Careless driving	2
Speeding	2
Contest racing on public traffic way	2
Speed in excess of posted maximum	2
Speed less than posted minimum	2
Speed in school zone	2
Radar checked speed violation	2
Airplane checked speed violation	2
Vascar	2
Any violation related to a railroad crossing	2
Operating a defective vehicle	1
Operating a vehicle without being licensed	1
Leaving a vehicle unattended with engine running	1
Towing or pushing vehicle improperly	1
Failure to dim lights as required	1
Failure to stop at required stops with explosives or flammable load	1
Transporting hazardous substances without safety devices or precautions	1
Improper lane usage	1
Driving on shoulder, in ditch or on sidewalk	1
Making improper entrance to or exit from trafficway	1
Loading a vehicle so drivers view is obstructed	1
Starting improperly from parked position	1
Improper backing	1
Spinning wheels	1
Operating a vehicle with view obstructed	1
Negligent driving	1
Improper passing	1
Operating a motor vehicle at speed greater than reasonable and proper	1
Operating a motor vehicle at speed less than reasonable and proper	1
Coasting or operating with gears disengaged	1
Failure to follow instructions of police officer	1
Failure to obey traffic instructions stated on traffic sign or shown by traffic control device	1
Passing through or around barrier positioned to prohibit or channel traffic	1
Failure to observe warnings or instructions on vehicle properly displaying them	1
Failure to signal intention to change vehicle direction or to reduce speed suddenly	1
Giving improper signal	1
Improper stopping on roadway	1

Emergency Adoptions

Improper turns	1
Operating defective vehicle after receiving a warning or summons	1
Impeding traffic (and under 40 M.P.H.)	1
Crossing center median	1
<u>Texting while operating a CMV</u>	<u>2</u>
<u>Using a hand-held mobile device while operating a CMV</u>	<u>2</u>

[OAR Docket #16-41; filed 1-21-16]

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

1:2016-2.

EXECUTIVE ORDER 2016-02

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct that appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff upon receipt to 5:00 p.m. on the day of internment, to honor United States Supreme Court Justice Antonin Scalia, who passed away on Saturday, February 13, 2016.

This Executive Order shall be forwarded to the Department 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 15th day of February, 2016.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Chris Bengé
Secretary of State

[OAR Docket #16-164; filed 2-15-16]

1:2016-3.

EXECUTIVE ORDER 2016-03

One in 12 Oklahomans is a convicted felon. Currently, over 55,000 Oklahomans are in the custody or under the supervision of the Oklahoma Department of Corrections for a felony offense, the majority of whom will eventually be released back into our community. The majority of these individuals are incarcerated or on probation for non-violent felony crimes. In 2015, I issued Executive Order 2015-02, which created the Oklahoma Justice Reform Steering Committee. From that

Committee grew four subcommittees, comprised of over 40 professionals involved in criminal justice, corrections, mental health, substance abuse, and re-entry services. Those subcommittees provided many recommendations, including the recommendation to remove the question regarding previous felony convictions and criminal history from all state job applications.

Employment after a felony conviction is always a challenge, and an individual's ability to gain employment is a critical and necessary component to reducing recidivism and for those individuals to lead a productive and successful life. Thus, it is necessary to remove unnecessary barriers to employment for Oklahomans with felony convictions. State employment hiring policies should allow full and fair consideration of those with a criminal history, where appropriate.

Therefore, I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order all state agencies to remove from job applications, questions regarding convictions and criminal history, unless a felony conviction would automatically render an applicant not qualified. This Order does not prevent employers from inquiring of felony convictions during the interview process, does not prevent employers from conducting background checks into prospective employees, and does not prevent employers from excluding convicted felons when required by law. This order shall not affect applications for sensitive governmental positions in which a criminal history would be an immediate disqualification and initial disclosure on such applications shall still be required.

This Order is intended to provide state job applicants at least the initial opportunity for consideration for employment, an opportunity to discuss their conviction record and provide information that indicates rehabilitation, and allow applicants to be considered based upon their qualifications without the stigma of a conviction record.

Copies of this Executive Order shall be distributed to all Governor's Cabinet Secretaries who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

Executive Orders

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this the 24th day of February, 2016.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Chris Bengtson
Secretary of State

[OAR Docket #16-178; filed 2-24-16]
