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11-1-98)	495	TOBACCO Settlement Endowment Trust Fund	723
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TOURISM and Recreation Department	725
Board of Examiners in OPTOMETRY	505	Department of TRANSPORTATION	730
State Board of OSTEOPATHIC Examiners	510	Oklahoma TRANSPORTATION Authority (<i>Name changed to</i>	
PARDON and Parole Board	515	Oklahoma TURNPIKE Authority 11-1-05) - See Title 731	
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (Formerly: Oklahoma	
Oklahoma State PENSION Commission	525	TRANSPORTATION Authority AND Oklahoma TURNPIKE	
State Board of Examiners of PERFUSIONISTS	527	Authority) - See also Title 745	731
Office of PERSONNEL Management (<i>consolidated under Office</i>		State TREASURER	735
of Management and Enterprise Services 8-26-11 - See Title		Board of Regents of TULSA Community College (<i>exempted</i>	
260)	530	11-1-98)	740
Board of Commercial PET Breeders (<i>abolished 7-1-12 - See Title</i>		Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma</i>	
35)	532	TRANSPORATION Authority 11-1-99 - no rules enacted in this	
Oklahoma State Board of PHARMACY	535	<i>Title - See Title 731</i>)	745
PHYSICIAN Manpower Training Commission	540	Oklahoma UNIFORM Building Code Commission	748
Board of PODIATRIC Medical Examiners	545	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted</i>	
Oklahoma POLICE Pension and Retirement System	550	11-1-98)	750
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	UNIVERSITY Hospitals Authority	752
POLYGRAPH Examiners Board	560	UNIVERSITY Hospitals Trust	753
Oklahoma Board of PRIVATE Vocational Schools	565	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i>	
State Board for PROPERTY and Casualty Rates		11-1-98)	755
(<i>abolished 7-1-06; see also Title 365</i>)	570	Board of Regents of the UNIVERSITY of Science and Arts	
State Board of Examiners of PSYCHOLOGISTS	575	of Oklahoma (<i>exempted 11-1-98</i>)	760
Department of CENTRAL Services (Formerly: Office of PUBLIC		Oklahoma USED Motor Vehicle and Parts Commission	765
Affairs; <i>consolidated under Office of Management and Enterprise</i>		Oklahoma Department of VETERANS Affairs	770
<i>Services 8-26-11 - See Title 260</i>)	580	Board of VETERINARY Medical Examiners	775
		Statewide VIRTUAL Charter School Board	777

Agency/Title Index – *continued*

Agency	Title	Agency	Title
Oklahoma Department of CAREER and Technology Education (Formerly: Oklahoma Department of VOCATIONAL and Technical Education)	780	Oklahoma WHEAT Commission	795
Oklahoma WATER Resources Board	785	Department of WILDLIFE Conservation	800
Board of Regents of WESTERN Oklahoma State College (<i>exempted</i> <i>11-1-98</i>)	790	WILL Rogers and J.M. Davis Memorials Commission	805
		Oklahoma WORKERS' Compensation Commission	810

Notices of Rulemaking Intent

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #18-21]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Licensing Procedures [AMENDED]

SUMMARY:

The purpose of the proposed permanent rule amendments is to revise the Department's rules to avoid conflict with the Oklahoma Post-Military Service Occupation, Education and Credentialing Act, 59 O.S. § 4100 et seq., that require expedited professional licensing and certification for active duty military and their spouses. The proposed permanent rule amendments also provide for the automatic renewal of professional licenses and certifications and the waiver of fees and continuing education during deployment of active duty military.

AUTHORITY:

Oklahoma Constitution, Article 6, Section 31; State Board of Agriculture; and 2 O.S. § 2-4; and 59 O.S. § 4100 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the beginning February 1, 2018 and ending March 5, 2018.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., March 5, 2018 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning February 1, 2018 and ending March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #18-21; filed 1-4-18]

TITLE 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 1. GENERAL AGENCY RULES

[OAR Docket #18-39]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Purpose and Organization

92:1-1-1 [AMENDED]

92:1-1-4 [AMENDED]

Subchapter 5. General Course and Method of Operations

92:1-5-1 [AMENDED]

92:1-5-5 [AMENDED]

Subchapter 9. Procedure in Individual Proceedings

92:1-9-2 [AMENDED]

92:1-9-3 [AMENDED]

92:1-9-4 [AMENDED]

92:1-9-6 [REVOKED]

92:1-9-7 [AMENDED]

92:1-9-8 [AMENDED]

92:1-9-9 [AMENDED]

92:1-9-10 [AMENDED]

92:1-9-11 [AMENDED]

92:1-9-12 [AMENDED]

92:1-9-14 [AMENDED]

92:1-9-18 [NEW]

SUMMARY:

The proposed rules update the Commission's address. The proposed rules streamline the hearing procedures for individual proceedings conducted pursuant to Article II of the Oklahoma Administrative Procedures Act (APA) (75 O.S. § 308a et seq.). The rules also enumerate the authority of an Administrative Law Judge if appointed by the Commission. A new rule allows

Notices of Rulemaking Intent

emergency actions in conformity with 75 O.S §§ 314 and 314.1 of the APA.

AUTHORITY:

3A O.S.2011, § 603; Oklahoma State Athletic Commission

COMMENT PERIOD:

Written comments will be accepted through March 6, 2018, and may be submitted to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. Written comments must be received in the Commission's office by 4:30 p.m. on March 6, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for March 7, 2018, at the Oklahoma State Department of Health, 1000 NE 10th Street, Room 314, Oklahoma City, OK, at 2:00 p.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. Information submitted by business entities must arrive in the Commission's office by 4:30 p.m. on March 6, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Oklahoma State Athletic Commission or online at www.ok.gov/osac/. Copies may also be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2018. A copy of the rule impact statement may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Joe Miller, Administrator, Oklahoma State Athletic Commission (405) 271-2694.

[OAR Docket #18-39; filed 1-8-18]

TITLE 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES

[OAR Docket #18-38]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
92:10-1-2 [AMENDED]

SUMMARY:

The proposed rule amends the definition of "Wrestling" to include "Professional Wrestling" and clarifies that the winner may be selected in advance of the competition or performance.

AUTHORITY:

3A O.S.2011, § 603; Oklahoma State Athletic Commission

COMMENT PERIOD:

Written comments will be accepted through March 6, 2018, and may be submitted to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. Written comments must be received in the Commission's office by 4:30 p.m. on March 6, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for March 7, 2018, at the Oklahoma State Department of Health, 1000 NE 10th Street, Room 314, Oklahoma City, OK, at 2:00 p.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299. Information submitted by business entities must arrive in the Commission's office by 4:30 p.m. on March 6, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Oklahoma State Athletic Commission or online at www.ok.gov/osac/. Copies may also be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2018. A copy of the rule impact statement may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Joe Miller, Administrator, Oklahoma State Athletic Commission (405) 271-2694.

[OAR Docket #18-38; filed 1-8-18]

**TITLE 145. OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT
CHAPTER 15. OKLAHOMA 9-1-1 MANAGEMENT AUTHORITY**

[OAR Docket #18-26]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Administrative Operations [NEW]
 - 145:15-1-1. Purpose [NEW]
 - 145:15-1-2. Definitions [NEW]
 - 145:15-1-3. Computation of time [NEW]
 - 145:15-1-4. Availability of forms and documents [NEW]
 - 145:15-1-5. Petition requesting promulgation, amendment or repeal of a rule [NEW]
 - 145:15-1-6. Filing and disposition of petitions for declaratory rulings [NEW]
 - 145:15-1-7. Relief from rules [NEW]
- Subchapter 3. Oklahoma 9-1-1 Management Authority [NEW]
 - 145:15-3-1. Officers [NEW]
 - 145:15-3-2. Committees [NEW]
 - 145:15-3-3. Meetings [NEW]
- Subchapter 5. Reporting Requirements [NEW]
 - 145:15-5-1. Annual reports [NEW]
 - 145:15-5-2. Audits of service providers [NEW]
- Subchapter 7. Disbursement of 9-1-1 Telephone Fees [NEW]
 - 145:15-7-1. Annual determination of eligibility and population [NEW]
 - 145:15-7-2. Escrow of funds [NEW]
- Subchapter 9. Grant program [NEW]
 - 145:15-9-1. Purpose [NEW]
 - 145:15-9-2. Application process [NEW]
 - 145:15-9-3. Award process [NEW]
 - 145:15-9-4. Grant administration and evaluation [NEW]

SUMMARY:

The purpose of the proposed rules is to establish procedures and guidelines for the implementation and enforcement of the Oklahoma 9-1-1 Management Authority Act, 63 O.S., Sections 2861, et seq. created by HB 3126. The Act created the Oklahoma 9-1-1 Management Authority and charged the Authority with overseeing the development and regulation of 9-1-1 emergency systems in the state and managing the distribution of all 9-1-1 telephone fees collected under the Act. The proposed rules provide for definitions, establish general

operating procedures, create officers and committees, establish meeting requirements, specify annual report requirements, provide for audits of service providers, establish guidelines for the determination of eligibility and population for the disbursement of fees, provide for the escrow of funds, and establish grant program procedures and requirements.

AUTHORITY:

Department of Emergency Management; 2016 Okla. Sess. Laws ch. 324, § 12

COMMENT PERIOD:

Written comments will be accepted until the close of business on March 14, 2018 at the Department of Emergency Management. Written comments may be mailed to the Department of Emergency Management, PO BOX 53365, Oklahoma City, OK 73152, or emailed to Lance.Terry@oem.ok.gov.

PUBLIC HEARING:

A public hearing for proposed permanent rulemaking will be held at 1:30 p.m. on Thursday, March 15, 2018 at the Sequoyah-Will Rogers Concourse Theater, located at 2400 North Lincoln Boulevard, Sequoyah-Will Rogers Tunnel, Oklahoma City, OK 73152. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on Thursday, March 15, 2018 at the Department of Emergency Management at the above addresses.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Emergency Management, 2401 North Lincoln Boulevard, Sequoyah-Will Rogers Tunnel, Oklahoma City, OK 73105. The proposed rules are also available on the Oklahoma 9-1-1 Management Authority website at <http://www.ok.gov/911>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Department of Emergency Management at the above addresses beginning February 15, 2018.

CONTACT PERSON:

Lance Terry, Statewide 9-1-1 Coordinator, Oklahoma 9-1-1 Management Authority, 405-521-2481, or Lance.Terry@oem.ok.gov.

[OAR Docket #18-26; filed 1-5-18]

Notices of Rulemaking Intent

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #18-33]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Rules of Practice

175:1-5-6. Investigation of alleged violation [AMENDED]

175:1-5-15. Schedule of fines [AMENDED]

SUMMARY:

The proposed rules update language regarding confidentiality of board investigative files in order to comply with 59 O.S. Sec. 199.3(3) of the Board's enabling Act. The rule allows disclosure of information as is necessary to conduct an individual proceeding under Article II of the Oklahoma Administrative Procedures Act or to issue a citation pursuant to OAC 175:1-5-4. The rules also add a fine for sanitation violations pursuant to 59 O.S. Sec. 199.6(A).

AUTHORITY:

59 O.S. § 199.3(B)(1); State Board of Cosmetology and Barbering

COMMENT PERIOD:

Written comments will be accepted through March 5, 2018, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 5, 2018 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at Oklahoma State Board of Cosmetology and Barbering or online at www.ok.gov/cosmo/. Copies may also be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2018. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

John Funderburk, Oklahoma, State Board of Cosmetology and Barbering. Tel. 405-522-7616, John.Funderburk@cosmo.ok.gov.

[OAR Docket #18-33; filed 1-8-18]

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND RELATED ESTABLISHMENTS

[OAR Docket #18-34]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Schools

Part 1. Initial School Licensing

175:10-3-3 [AMENDED]

Part 3. Student Registration and Entrance Requirements

175:10-3-16 [AMENDED]

Part 5. Equipment and Curriculum Requirements

175:10-3-34 [AMENDED]

175:10-3-37 [AMENDED]

175:10-3-38 [AMENDED]

175:10-3-39 [AMENDED]

175:10-3-41 [AMENDED]

175:10-3-42 [AMENDED]

175:10-3-43 [AMENDED]

175:10-3-44 [AMENDED]

175:10-3-45 [AMENDED]

175:10-3-46 [AMENDED]

Part 7. General Operations and Licensing Requirements

175:10-3-55 [AMENDED]

SUMMARY:

The proposed rules restore language previously deleted regarding student contracts and the calculation of credit hours in cosmetology and barber schools. Deletion of the language rendered the rules inconsistent with statutory requirements provided for in 59 O.S. § 199.7. Restoring the deleted language brings the rules back into compliance § 199.7.

AUTHORITY:

59 O.S. § 199.3(B)(1); State Board of Cosmetology and Barbering

COMMENT PERIOD:

Written comments will be accepted through March 5, 2018, and may be submitted to John Funderburk, Oklahoma State

Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 5, 2018 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at Oklahoma State Board of Cosmetology and Barbering or online at www.ok.gov/cosmo/. Copies may also be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2018. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

John Funderburk, Oklahoma, State Board of Cosmetology and Barbering. Tel. 405-522-7616, John.Funderburk@cosmo.ok.gov.

[OAR Docket #18-34; filed 1-8-18]

**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 20. MASSAGE THERAPY**

[OAR Docket #18-35]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Licensure of Massage Therapists
- 175:20-5-1 [AMENDED]
- 175:20-5-2 [AMENDED]
- 175:20-5-5 [AMENDED]
- Subchapter 7. Continuing Education

175:20-7-1 [AMENDED]

Subchapter 9. Standards of Professional Conduct

175:20-9-1 [AMENDED]

175:20-9-2 [AMENDED]

Subchapter 11. Grounds for Discipline

175:20-11-1 [AMENDED]

Subchapter 13. Complaints and Hearings

175:20-13-1 [AMENDED]

SUMMARY:

The proposed rules clarify grounds for licensure denial pursuant to the Massage Therapy Practice Act (59 O.S. §§ 4200 et seq). The rules also clarify the entities that can provide continuing education to licensee. The rules modify standards of professional conduct to prohibit engaging in, or offering to engage in an activity with the intent of sexually arousing a client. The rules also modify standards of professional conduct to eliminate the requirement of a physician's order in order to perform a breast massage on a female client. The rules clarify the types of criminal behavior that constitute unprofessional conduct. The rules also clarify the grounds for discipline as provided for in the Massage Therapy Practice Act. The rules further allow for emergency action pursuant to the relevant provisions of the Oklahoma Administrative Procedures Act. Finally, the rules contain clean-up language.

AUTHORITY:

State Board of Cosmetology and Barbering; 59 O.S. § 199.3(B)(1); 59 O.S. §4200.4(A).

COMMENT PERIOD:

Written comments will be accepted through March 5, 2018, and may be submitted to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing has been scheduled for March 5, 2018 Oklahoma, State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, at 10:00 a.m. Comments from members of the public will be accepted until the conclusion of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at Oklahoma State Board of Cosmetology and Barbering or online at www.ok.gov/cosmo/. Copies may also be obtained by written request mailed to the attention of John Funderburk, Oklahoma

Notices of Rulemaking Intent

State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2018. A copy of the rule impact statement may be obtained by written request mailed to the attention of John Funderburk, Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, Oklahoma 73107.

CONTACT PERSON:

John Funderburk, Oklahoma, State Board of Cosmetology and Barbering. Tel. 405-522-7616, John.Funderburk@cosmo.ok.gov.

[OAR Docket #18-35; filed 1-8-18]

TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 2. ADMINISTRATIVE OPERATIONS

[OAR Docket #18-36]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

245:2-1-6 [AMENDED]
245:2-1-13 [AMENDED]
245:2-1-21 [NEW]

SUMMARY:

The proposed revisions to the subchapters are as follows: Subchapter 1. General Provisions: Update administrative procedure language and confidential records to reflect changes made to Title 59, 475.1 et seq., effective November 1, 2017. Create the "Engineering and Surveying Education Assistance Program", as provided in Title 59, 475.1 et seq., effective November 1, 2017, and define criteria for the program.

AUTHORITY:

59 O.S. 475.1 et seq.; 65 O.S., 1991 Sections 3-116 et seq.; 75 O.S. Sections 301 et seq.; State Board of Licensure for Professional Engineers and Land Surveyors

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., March 28, 2018 at: Oklahoma Engineering and Design Professionals Center, 220 NE 28th St., Suite 120, Oklahoma City, OK 73105, Attn: Kathy Hart, or email to khart@pels.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. A public hearing will be held on March 29, 2018 at 9:00 a.m. at the address provided above for submitting written comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 220 NE 28th St., Suite 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page plus actual mailing costs. Copies of the proposed rules may also be viewed and downloaded from our website at www.pels.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and made available on and after February 1, 2018 at the offices of the Board (address above).

CONTACT PERSON:

Kathy Hart, Executive Director, (405) 521-2874 or khart@pels.ok.gov

[OAR Docket #18-36; filed 1-8-18]

TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 15. LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[OAR Docket #18-37]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
245:15-1-3 [AMENDED]
Subchapter 3. Application and Eligibility for Licensure
245:15-3-2 [AMENDED]
245:15-3-4 [AMENDED]
245:15-3-6 [AMENDED]
245:15-3-7 [AMENDED]
245:15-3-8 [AMENDED]
245:15-3-9 [AMENDED]
245:15-3-10 [AMENDED]
Subchapter 5. Examinations
245:15-5-1 [AMENDED]
245:15-5-4 [AMENDED]
245:15-5-5 [AMENDED]
Subchapter 7. Licensure
245:15-7-3 [AMENDED]
245:15-7-4 [AMENDED]
245:15-7-5 [AMENDED]
Subchapter 9. Rules of Professional Conduct
245:15-9-1 [AMENDED]
245:15-9-3 [AMENDED]
245:15-9-4 [AMENDED]
245:15-9-5 [AMENDED]
245:15-9-6 [AMENDED]

- 245:15-9-7 [AMENDED]
- Subchapter 11. Continuing Education
- 245:15-11-1 [AMENDED]
- 245:15-11-3 [AMENDED]
- 245:15-11-5 [AMENDED]
- 245:15-11-6 [AMENDED]
- 245:15-11-7 [AMENDED]
- 245:15-11-9 [AMENDED]
- 245:15-11-10 [REVOKED]
- 245:15-11-11 [AMENDED]
- 245:15-11-12 [AMENDED]
- 245:15-11-13 [AMENDED]
- Subchapter 13. Minimum Standards for the Practice of Land Surveying
- 245:15-13-2 [AMENDED]
- 245:15-13-4 [AMENDED]
- Subchapter 17. Licensee's Seal
- 245:15-17-1 [AMENDED]
- 245:15-17-2 [AMENDED]
- Subchapter 19. Organizational Practice
- 245:15-19-1 [AMENDED]
- 245:15-19-2 [AMENDED]
- Subchapter 21. Corner Perpetuation and Filing Act Requirements
- 245:15-21-1 [AMENDED]
- 245:15-21-2 [AMENDED]
- Subchapter 23. Violations
- 245:15-23-1 [AMENDED]
- 245:15-23-2 [AMENDED]
- 245:15-23-5 [AMENDED]
- 245:15-23-7 [AMENDED]
- 245:15-23-9 [AMENDED]
- 245:15-23-10 [AMENDED]
- 245:15-23-15 [AMENDED]
- 245:15-23-19 [AMENDED]
- 245:15-23-20 [AMENDED]
- 245:15-23-21 [AMENDED]
- 245:15-23-25 [AMENDED]

SUMMARY:

The proposed revisions to the subchapters are as follows:

Subchapter 1. General Provisions: The proposed amendments will provide definitions to assist in the revised requirements for the Oklahoma Minimum Standards for the Practice of Land Surveying, delete duplicated definitions that are included in the statutes, and create a definition for "Significant structures" as authorized by Title 59, 475.12c(H).

Subchapter 3. Application and Eligibility for Licensing: The proposed amendments will modify the engineering and land surveying requirements for licensure to be in congruence with statutory changes effective November 1, 2017, while eliminating duplicated language. Proposed amendments will also allow for a more expedited process with fewer obstacles for licensure for out-of-state licensees applying to obtain a license in Oklahoma and simplify the process for new licensees obtaining their original license in Oklahoma.

Subchapter 5. Examinations: Further clarify the application, scheduling, and postponement process for applicants.

Subchapter 7. Licensure: Provide for clarifying language for professional engineers and land surveyors renewing their licenses

Subchapter 9. Rules of Professional Conduct: Update the language and clarify its intent.

Subchapter 11. Continuing Education: Update language and provide further definitions to the revised continuing education requirements in Title 59, 475.1 et seq. effective November 1, 2017.

Subchapter 13. Minimum Standards for Land Surveying: Generally modernize language and add standards for topographic and planimetric surveying and for Control Surveys.

Subchapter 17. Licensee's Seal: Update language and include requirements for a Professional Structural Engineer as in Title 59, 475.1 et seq., effective November 1, 2017.

Subchapter 19. Organizational Practice: Provide for clarifications and create congruence between the new language in Title 59, 475.1 et seq., effective November 1, 2017 and the Administrative Rules.

Subchapter 21. Corner Perpetuation and Filing Act Requirements: Provide clarifications and modernize corner filing requirements to allow for digital filings

Subchapter 23. Violations: Provide clarifications and modify violation language to be in congruence with statutory changes effective November 1, 2017 and the Administrative Procedures Act.

AUTHORITY:

59 O.S. 475.1 et seq.; 65 O.S., 1991 Sections 3-116 et seq.; 75 O.S. Sections 301 et seq.; State Board of Licensure for Professional Engineers and Land Surveyors

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., March 28, 2018 at: Oklahoma Engineering and Design Professionals Center, 220 NE 28th St., Suite 120, Oklahoma City, OK 73105, Attn: Kathy Hart, or email to khart@pels.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. A public hearing will be held on March 29, 2018 at 9:00 a.m. at the address provided above for submitting written comments.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 220 NE 28th St., Suite 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page plus actual

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mailing costs. Copies of the proposed rules may also be viewed and downloaded from our website at www.pels.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and made available on and after February 1, 2018 at the offices of the Board (address above).

CONTACT PERSON:

Kathy Hart, Executive Director, (405) 521-2874 or khart@pels.ok.gov

[OAR Docket #18-37; filed 1-8-18]

TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 25. REFERENCED STATE CODES AND STANDARDS

[OAR Docket #18-40]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:25-1-3 [AMENDED]

SUMMARY:

The proposed rules are to define the types of building plans reviewed, types of fireworks permits and update editions of referenced state codes and standards.

AUTHORITY:

Title 74 O.S. Supp. 2007, §324.11; State Fire Marshal Commission

COMMENT PERIOD:

Persons may submit written comments up to 10:00 a.m. on March 5, 2018 to Sam Schafnitt, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107, or by email to Sam.Schafnitt@fire.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 6, 2018, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the front door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sam Schafnitt at the above address before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107, or by email request to Susie.Cain@fire.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on or after the publication of this notice on February 1, 2018 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Sam Schafnitt, Assistant State Fire Marshal, (405) 522.5014, Sam.Schafnitt@fire.ok.gov.

[OAR Docket #18-40; filed 1-8-18]

TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 55. FIREFIGHTER TRAINING ADVISORY COMMITTEE

[OAR Docket #18-41]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Purpose and Responsibilities [NEW]

265:55-1-1 [NEW]

265:55-1-2 [NEW]

Subchapter 2. Volunteer Firefighter Tax Credit [NEW]

265:55-2-1 [NEW]

265:55-2-2 [NEW]

SUMMARY:

The proposed rules are to define duties under House Bill 1833.

AUTHORITY:

Title 74 O.S. Supp. 2007, §325.1 et seq.; State Fire Marshal Commission

COMMENT PERIOD:

Persons may submit written comments up to 10:00 a.m. on March 5, 2018 to Sam Schafnitt, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107, or by email to Sam.Schafnitt@fire.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, March 6, 2018, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107. Anyone who wishes to speak must sign in at the front door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sam Schafnitt at the above address before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street,

Suite 4, Oklahoma City, OK 73107, or by email request to Susie.Cain@fire.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and available on or after the publication of this notice on February 1, 2018 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Sam Schafnitt, Assistant State Fire Marshal, (405) 522.5014, Sam.Schafnitt@fire.ok.gov.

[OAR Docket #18-41; filed 1-8-18]

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

[OAR Docket #18-22]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 1. General Provisions

365:10-1-18. Unclaimed life insurance proceeds notice requirement [NEW]

SUMMARY:

The proposed new Section 365:10-1-18 establishes a notice requirement, and accompanying procedure, for life insurers authorized to conduct business in the State of Oklahoma to notify the Insurance Commissioner prior to remitting any unclaimed life insurance proceeds to the Oklahoma Treasurer's Office.

AUTHORITY:

Insurance Commissioner; 36 O.S. § 307.1

COMMENT PERIOD:

Written or oral comments regarding the proposed rule shall be received on or before 5:00 p.m. on March 6, 2018. Comments shall be directed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule will be held March 8, 2018, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rule. The comments shall be submitted to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 6, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rule may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2018, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Barron B. Brown, Assistant General Counsel, (405) 521-2749.

[OAR Docket #18-22; filed 1-4-18]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 15. PROPERTY AND CASUALTY**

[OAR Docket #18-23]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Claims Resolution and Unfair Claims Settlement Practices

365:15-3-1. Purpose [AMENDED]

365:15-3-2. Definitions [AMENDED]

365:15-3-2.1. Minimum standard of performance [AMENDED]

Appendix B. Oklahoma Workers' Compensation Mandatory Optional Deductible Acceptance/Rejection Form [REVOKED]

Appendix B. Oklahoma Workers' Compensation Mandatory Optional Deductible Acceptance/Rejection Form [NEW]

SUMMARY:

365:15-3-1, 2 and 2.1 are amended to clean-up citations and references to the authorizing statutory provisions contained in the Oklahoma Insurance Code, 36 O.S. § 101 et seq.

Appendix B is revoked and re-passed to allow for input of a larger deductible amount as set forth by the applicable rule provisions, OAC 365:15-1-3.1 and 3.2.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 1250.16; 85A O.S. § 95

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 6, 2018. Comments shall be directed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department,

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Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 8, 2018, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 6, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2018, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Barron B. Brown, Assistant General Counsel, (405) 521-2749.

[OAR Docket #18-23; filed 1-4-18]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. OTHER LICENSEES

[OAR Docket #18-24]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors

365:25-3-14. Insurance adjusters continuing education [AMENDED]

Subchapter 5. Bail Bondsmen

Part 7. Specific Financial Circumstances Warranting Release of Professional Deposit

365:25-5-52. Time governing release of professional deposit [AMENDED]

Subchapter 7. Companies

Part 5. Oklahoma Insurance Holding Company System Regulatory Act

365:25-7-20. Purpose [AMENDED]

365:25-7-22. Definitions [AMENDED]

365:25-7-23. Forms: general requirements [AMENDED]

365:25-7-27.1. Subsidiaries of domestic insurers [AMENDED]

365:25-7-28. Acquisition of control; statement filing (Form A) [AMENDED]

365:25-7-28.1. Pre-acquisition notification [AMENDED]

365:25-7-29. Annual registration of insurers; statement filing (Form B) [AMENDED]

365:25-7-29.1. Transactions subject to prior notice - notice filing (Form D) [AMENDED]

365:25-7-29.2. Enterprise Risk Report [AMENDED]

365:25-7-30. Extraordinary dividends and other distributions [AMENDED]

365:25-7-31. Adequacy of surplus [AMENDED]

Part 15. Company Supervision

365:25-7-81. Definitions [AMENDED]

365:25-7-82. Authorization [AMENDED]

365:25-7-83. Professional confidentiality [AMENDED]

365:25-7-84. Passing on of confidential information [AMENDED]

365:25-7-85. Agreements for information exchange [AMENDED]

365:25-7-86. Supervisory Colleges [AMENDED]

Subchapter 15. Captive Insurance Companies Regulation

365:25-15-2. Annual reporting requirements [AMENDED]

Subchapter 29. Pharmacy Benefits Managers

365:25-29-6. Surety bond [AMENDED]

365:25-29-9. Contractual requirements-maximum allowable cost [AMENDED]

Appendix A. Form A: Oklahoma Insurance Holding Company System Acquisition Statement [REVOKED]

Appendix A. Form A: Oklahoma Insurance Holding Company System Acquisition Statement [NEW]

SUMMARY:

365:25-3-14 is amended to provide clarity concerning the exceptions from compliance with the Insurance Commissioner's insurance adjuster continuing education requirements for non-resident adjusters.

365:25-5-52 is amended to allow the Insurance Commissioner more flexibility when releasing a professional bondsman's professional deposit upon request by a professional bondsman.

365:25-7-20, 22, 23, 27.1, 28, 28.1, 29, 29.1, 29.2, 30 and 31 are amended to update citations as a result of statutory changes made in HB2234 during the 2017 legislative session.

365:25-7-81, 82, 83, 84, 85 and 86 are amended to update citations as a result of statutory changes made in HB2234 during the 2017 legislative session.

365:25-15-2 is amended to clarify the definition of a "Qualified actuary" for purposes of submission of an actuarial opinion as part of a captive insurance company's annual reporting requirements to the Insurance Commissioner.

365:25-29-6 is amended to clarify the specific surety bond amount requirements applicable to pharmacy benefits managers licensed by the Insurance Commissioner.

365:25-29-9 is amended to reflect statutory changes made in SB1150 during the 2016 legislative session.

Appendix A is revoked and re-passed to update citations as result of statutory changes made in HB2234 during the legislative session, as well as to update the date input sections.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 1435.19, 1641, 6217; 59 O.S. §§ 358, 1302

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 6, 2018. Comments shall be directed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 8, 2018, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 6, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2018, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Barron B. Brown, Assistant General Counsel, (405) 521-2749.

[OAR Docket #18-24; filed 1-4-18]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 1. ADMINISTRATION**

[OAR Docket #18-11]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administration [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 1 are part of the Department's review of Title 450. The proposed rules are intended to clarify penalties for providing services prior to being certified as well as to increase the treatment program certification application fee from \$300 per certification period to \$1,000 per certification period pursuant to 43A O.S. 3-324.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306 and 3-324.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-11; filed 1-4-18]

Notices of Rulemaking Intent

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH CENTERS

[OAR Docket #18-12]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 17. Standards and Criteria for Community Mental Health Centers [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 17 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions and clarify requirements for biopsychosocial assessments and wellness services. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff. Rules are also revised to indicate that only one Community Mental Health Center can be certified per geographic service area.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, and 3-306.1.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at

the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-12; filed 1-4-18]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 18. STANDARDS AND CRITERIA FOR SUBSTANCE RELATED AND ADDICTIVE DISORDER TREATMENT SERVICES

[OAR Docket #18-13]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 18. Standards and Criteria for Substance Related and Addictive Disorder Treatment Services [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 18 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions, clarify requirements for biopsychosocial assessments and wellness services. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff as well as update documentation requirements for services provided in a residential setting.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, and 3-415.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES: Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-13; filed 1-4-18]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS**

[OAR Docket #18-14]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 24. Standards and Criteria for Comprehensive Community Addiction Recovery Centers [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 24 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions, clarify requirements for biopsychosocial assessments and wellness services. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff and add standards for hygiene and sanitation and food service provided in residential settings.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-415.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-14; filed 1-4-18]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 27. STANDARDS AND CRITERIA FOR MENTAL ILLNESS SERVICE PROGRAMS**

[OAR Docket #18-15]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Chapter 27. Standards and Criteria for Mental Illness Service Programs [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 27 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions and clarify requirements for biopsychosocial assessments and wellness services. Proposed revisions also require that volunteers utilized by the treatment programs must receive the same in-service trainings as staff.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-323A.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-15; filed 1-4-18]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 50. STANDARDS AND CRITERIA FOR CERTIFIED BEHAVIORAL HEALTH CASE MANAGERS

[OAR Docket #18-16]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Standards and Criteria for Certified Behavioral Health Case Managers [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 50 are part of the Department's review of Title 450. The proposed rules are intended to update qualifications for certification as a behavioral health case manager to include individuals employed by a tribe or tribal facility as well as employees of Veterans Affairs. Rules are also revised to protect consumer welfare by prohibiting sexual contact between a consumer and a certified case manager at any point after the professional relationship is terminated as well as to prohibit certified behavioral health case managers from entering into a close personal relationship, or engaging in business or financial dealings with former clients for five years after termination of the case management relationship.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. § 3-318.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in

dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-16; filed 1-4-18]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 53. STANDARDS AND CRITERIA FOR CERTIFIED PEER RECOVERY SUPPORT SPECIALISTS**

[OAR Docket #18-17]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 53. Standards and Criteria for Certified Peer Recovery Support Specialists [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 53 are part of the Department's review of Title 450. The proposed rules are intended to update qualifications for certification as a peer recovery support specialist to include individuals employed by a tribe or tribal facility as well as employees of Veterans Affairs.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-326.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma

City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-17; filed 1-4-18]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 55. STANDARDS AND CRITERIA FOR PROGRAMS OF ASSERTIVE COMMUNITY TREATMENT**

[OAR Docket #18-18]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Standards and Criteria for Programs of Assertive Community Treatment [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 55 are part of the Department's review of Title 450. The proposed rules are intended to revise client admission requirements as well as requirements for the comprehensive assessment provided to all PACT consumers.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101 and 3-319.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-18; filed 1-4-18]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 60. STANDARDS AND CRITERIA
FOR CERTIFIED EATING DISORDER
TREATMENT PROGRAMS**

[OAR Docket #18-19]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 60. Standards and Criteria for Certified Eating Disorder Treatment Programs [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 60 are part of the Department's review of Title 450. The proposed rules update definitions and terminology, clarify requirements for the biopsychosocial assessment and update credentialing requirements for psychotherapists. Revisions also require that volunteers within the program receive the same in-service trainings as staff.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-320.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-19; filed 1-4-18]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS**

[OAR Docket #18-20]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Standards and Criteria for Opioid Treatment Programs [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 70 are part of the Department's review of Title 450. The proposed rules are intended to update terminology and definitions as well as require that assessments and service plans be provided by Licensed Behavioral Health Professionals or Licensure Candidates.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-601 through 3-603.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 1, 2018, until 5:00 p.m., March 5, 2018, to the attention of Traylor Rains-Sims, Administrative Rules Liaison. Written comments may be mailed to the Oklahoma Department of Mental Health and Substance Abuse Services, 2000 NE Classen Suite E600, Oklahoma City, OK 73106 or hand-delivered to the Department at 2000 N. Classen Suite E600, Oklahoma City, OK, or by email at Traylor.Rains-Sims@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 6, 2018, at 10:00 a.m. at the ODMHSAS offices located at 2000 N.E. Classen Suite E600, Oklahoma City, OK 73106.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Traylor Rains-Sims, at the above address, before the close of the comment period on March 5, 2018.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 1, 2018. Copies may be obtained from the Department's website at www.odmhsas.org or from Traylor Rains-Sims, Administrative Rules Liaison, at the above address or email at Traylor.Rains-Sims@odmhsas.org.

CONTACT PERSON:

Traylor Rains-Sims, Administrative Rules Liaison, (405) 248-9345 or Traylor.Rains-Sims@odmhsas.org.

[OAR Docket #18-20; filed 1-4-18]

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

[OAR Docket #18-42]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

Part 3. Driver License Renewal

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

Part 5. Driver License Replacement

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

Part 9. Change of Name on a Driver License or Identification Card

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

Subchapter 3. Examination

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

Subchapter 11. Certified Schools and Designated Class D Examiners

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

SUMMARY:

The changes in 595:10-1-12 add language regarding renewing a driver license by mail for Oklahoma licensees temporarily residing out of state. The change lists the statute (Title 47 §6-122) which sets forth the guidelines for renewal by mail. The changes in 595:10-1-19 add language regarding replacing a driver license by mail for Oklahoma licensees temporarily residing out of state. The change lists the statute (Title 47 §6-122) which sets forth the guidelines for replacement by mail. The changes in 595:10-1-35 add a valid,

Notices of Rulemaking Intent

unexpired U.S. passport to the list of acceptable forms of ID for a name change on a driver license or ID card and clarify the form of the new name in a name change resulting from a marriage, court order, or divorce. The purpose of this change is to expand the options for documents required for name change. The changes in 595:10-3-9 remove the paragraph (f) which required applicants with disabilities to have to take an extended drive test. This change is being instituted because it was determined that the rule was unreasonable. The changes in 595:10-11-9 remove the requirement that a person must complete a driver education course before they can take a Class D skills test with a designated examiner and remove the requirement that a designated examiner can only give an applicant two (2) subsequent skills tests before they have to take the test with a designated examiner. The purpose of this change is to provide a way for driver license applicants to avoid lines at DPS by paying additional fees.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 2:00 P.M., Wednesday, March 7th, in classroom E, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Elizabeth Tankard, 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: elizabeth.tankard@dps.ok.gov

[OAR Docket #18-42; filed 1-8-18]

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

[OAR Docket #18-43]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Commercial Driver Licensing

Part 2. Application for Initial Driver License

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

Part 5. Commercial Driver License Replacement - In Person

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

Subchapter 3. Examination

595:11-3-2. Study guide [AMENDED]

595:11-3-7. Pre-trip inspection examination of commercial motor vehicles [AMENDED]

Subchapter 5. Commercial Driver License Third-Party Examiners

595:11-5-4. Requirements for certification as a certified school; display of certificate; certification renewal [AMENDED]

595:11-5-9. Failed examinations and reexamination [AMENDED]

595:11-5-13. Prescribed forms [AMENDED]

595:11-5-14. Official seal, Map and CDL Examiners Manual [AMENDED]

595:11-5-15. Prohibited acts; conduct [AMENDED]

Subchapter 7. Truck Driver Training

595:11-7-3. School licenses and instructor permits [AMENDED]

595:11-7-15. Suspension or revocation of license [AMENDED]

Subchapter 9. Driver Status Notification System

595:11-9-2. Applicability [AMENDED]

595:11-9-3. Definitions [AMENDED]

595:11-9-4. Employer application [AMENDED]

595:11-9-5. Requirements for enrolling drivers by subscribing employers [AMENDED]

595:11-9-6. Renewing enrolled drivers [AMENDED]

595:11-9-8. Methods of notification and content of information [AMENDED]

595:11-9-9. Fee schedule and payment [AMENDED]

595:11-9-10. Maintenance of subscription [REVOKED]

SUMMARY:

The changes in 595:11-1-15 change the division name from CDL Administration to Driver License Services. The purpose of this change is to update the information because the two divisions have been combined. The email address to send medical examiner's certificates has also been updated.

The purpose of this change is for accuracy of information. The changes in 595:11-1-31 correct a misspelling and change "licensee" to "person." The purpose of these changes is for accuracy of information. The changes in 595:11-3-2 change the division name to Driver License Services because the two divisions have been combined. The purpose of this change is to update the information because the two divisions have been combined. The manual title and department website are also updated. The purpose of this change is for accuracy of information. The changes in 595:11-3-7 removes the 40-minute time limit from the pre-trip inspection in the scoring section. The purpose of this change is to make testing easier and smoother for applicants. The changes in 595:11-5-4 adds "CDL examiner's manual" to the section of items required to be returned by third-party examiners when they are no longer testing on behalf of DPS. The purpose of this change is to ensure that these manuals are returned to the department. The changes in 595:11-5-9 change the period of time a third-party examiner must notify DPS of a failed examination from 12 hours to the same day of the examination. The purpose of this change is to make the process more streamlined. The changes in 595:11-5-13 clean up language changing the name of the division to Driver License Services. The purpose of this change is to update the information because the two divisions have been combined. The changes in 595:11-5-14 adds items that are to be returned to DPS if a third-party examiner leaves the employment of or is terminated by the school; adds the words "map and CDL examiner's manual." The purpose of this change is to ensure that these maps and manuals are returned to the department. The changes in 595:11-5-15 add the wording "and proper endorsements" to the requirements of this section. The purpose of this change is for clarification. The changes in 595:11-7-3 update the department website. The purpose of this change is for accuracy of information. The changes in 595:11-7-15 adds "electronically" to the ways DPS can notify a school or third-party examiner. The purpose of this change is for modernization and convenience. The changes in 595:11-9-2 remove the word "commercial" from this rule. The purpose is to make it apply to all driver licensees. This is for the Driver Status Notification System (DSNS). The changes in 595:11-9-3 update the definitions section in OAC relating to the Driver Status Notification System (DSNS). The purpose of this change is to make it apply to any drivers that drive company vehicles in the course of their employment. The changes in 59:11-9-4 update the website address and insert language to participate in the Driver Status Notification System (DSNS) at no cost. The purpose of this change is for convenience to state agencies. The changes in 595:11-9-5 remove the word "commercial" from the rule and change the wording on when companies enrolled in the program will need to pay the fee and insert language stating that other state agencies will not be charged a fee to participate in the program. The purpose of this change is for convenience to state agencies. The changes

in 595:11-9-6 change the enrollment period for Driver Status Notification System (DSNS) to "one year from enrollment" and updates when the payment of fees are due to "upon receipt of invoice." The purpose of these changes is for convenience. The changes in 595:11-9-8 remove the word "commercial" from the rule. The purpose of this change is to allow it for both Class D and CDL licenses. The changes in 59:11-9-9 change how companies enrolled in Driver Status Notification System (DSNS) will be notified to make payment from due immediately to when they receive an invoice, and remove the option to pay with a credit card on file with DPS. The purpose of this change is for convenience. Rule 595:11-9-10 is revoked. The purpose of revoking this rule is so that DPS will not keep credit card information on file.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 3:00 P.M., Wednesday, March 7th, in classroom E, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Elizabeth Tankard, 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: elizabeth.tankard@dps.ok.gov

[OAR Docket #18-43; filed 1-8-18]

Notices of Rulemaking Intent

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

[OAR Docket #18-44]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. All Wrecker Operators

595:25-5-1. Physical requirements for storage facility
[AMENDED]

595:25-5-2. Equipment requirements for all classes of wrecker vehicles [AMENDED]

595:25-5-3. Operation [AMENDED]

Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements

595:25-9-1. Oklahoma Highway Patrol Rotation Log
[AMENDED]

SUMMARY:

The changes in 595:25-5-1 define the requirements for types of storage facilities. The purpose of this change is for clarification. The changes in 595:25-5-2 update equipment requirements for wreckers, adjusts the minimum wheel base but allows past requirement on previously-licensed vehicles, defines the winch, defines compatible boom, removes pry bar but adds wheel lift. The purpose of this change is to inform new operators of what kind of equipment that is needed. The changes in 595:25-5-3 add language to updates what to do with personal property in a stored vehicle. The purpose of this change is for clarification. Language was also added to explain that photos of scenes are not to be used if they include certain identifiers. The purpose of this change is to protect private and sensitive information. The changes in 595:25-9-1 add an explanation of how turnpike operators are selected or allowed to service the turnpike based on quick response. The purpose of this change is for explanation and clarification.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 11:00 A.M., Wednesday, March 7th, in classroom E, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or

at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Elizabeth Tankard, 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: elizabeth.tankard@dps.ok.gov

[OAR Docket #18-44; filed 1-8-18]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 30. SIZE AND WEIGHTS PERMITS

[OAR Docket #18-45]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Size and Weight Permit Load

595:30-3-2. A permit is a legal document; permit types
[AMENDED]

595:30-3-3. Requesting, obtaining, and paying for a permit
[AMENDED]

595:30-3-4. Conditions and restrictions [AMENDED]

595:30-3-7. Establishing a monthly billing account
[AMENDED]

SUMMARY:

The changes in 595:30-3-2 update definition to require drivers to have a paper permit on hand instead of electronic copies. The purpose of this change is to keep enforcement officers from having to deal with permits on electronic devices. The changes in 595:30-3-3 update contact information and hours of operation. These changes are for accuracy. The changes in 595:30-3-4 are regarding accuracy of information and explicitly state that sharing one's password with anyone is a violation of the agreement in order to help stop fraudulent charges to permits. The changes in 595:30-3-7 are regarding accuracy of information and explicitly state that sharing one's password with anyone is a violation of the agreement in order to help stop fraudulent charges to permits.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10:00 A.M., Wednesday, March 7th, in classroom E, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Elizabeth Tankard, 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: elizabeth.tankard@dps.ok.gov

[OAR Docket #18-45; filed 1-8-18]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT**

[OAR Docket #18-46]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 595:35-1-4. Adoption by reference [AMENDED]
- 595:35-1-5. Applicability [AMENDED]
- 595:35-1-10. Administrative penalty assessment guidelines [AMENDED]

SUMMARY:

The changes in Section 35-1-4 add the website for the Federal Motor Carrier Safety Administration (FMCSA) as a

location to find the Federal Motor Carrier Safety Regulations (FMCSR) that have been adopted within the rule. The purpose of this change is to provide this resource. The changes in Section 35-1-5 add motor carrier safety regulation Parts 385 and 386 to the rule. The purpose of this change is to allow a Federal Out-of-Service (OOS) Order to be listed against a company who is currently making an intrastate only trip in an attempt to avoid the Federal OOS Order. The change in the rule would solidify our ability to list the violation on the inspection report, enforce the Federal OOS Order even on an intrastate move, and be ahead on the upcoming requirements of Expanded PRISM. The changes in Section 35-1-10 remove errors to be congruent with current state statute by correcting amounts. The purpose of these changes is to clean up the errors.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:00 P.M., Wednesday, March 7th, in classroom E, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Elizabeth Tankard, 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: elizabeth.tankard@dps.ok.gov

[OAR Docket #18-46; filed 1-8-18]

Notices of Rulemaking Intent

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

[OAR Docket #18-47]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Driver Education Instruction

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

595:40-1-4. Qualifications for instructors [AMENDED]

595:40-1-9. Prescribed course of study [AMENDED]

SUMMARY:

The changes in 595:40-1-3 update the definition of "Driver Education Instructor" to correct the source of the criminal background investigation from an FBI check to an OSBI check. The changes in 595:40-1-4 correct the source of the criminal background investigation from an FBI check to an OSBI check. The changes in 595:40-1-9 change the wording from a specific revision to "the most recent version" of the MSF course. These changes are all for the purpose of language cleanup and corrections.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 9:00 A.M., Wednesday, March 7th, in classroom E, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Elizabeth Tankard, 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: elizabeth.tankard@dps.ok.gov

[OAR Docket #18-47; filed 1-8-18]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 10. AD VALOREM

[OAR Docket #18-29]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. AD Valorem [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing AD Valorem rules have been made.

Subchapter 1. *General Provisions* has been amended to correct grammatical and typographical errors.

Subchapter 3. *Equalization Study* has been amended to update and remove obsolete references. Additionally, this subchapter has been amended to clarify the use classifications of agricultural land for data collection requirements relating to the performance of a county equalization study.

Subchapter 7. *Manufacturing Facilities* has been amended consistent with the passage of House Bill 2351 [2017] which provides a mechanism to allow manufacturing facilities meeting all qualification requirements in 68 O.S. § 2902, in addition to the ones outlined in the new Section 2902.5, to delay the initiation of the five year ad valorem exemption to the January 1st following the expiration or termination of the ad valorem exemption, abatement or other incentive provided the facility through a tax incentive district. The subchapter has also been amended to correct capitalization errors.

Subchapter 9. *Manufactured Homes* has been amended to strike obsolete and unnecessary language.

Subchapter 10. *Visual Inspection Plan* has been amended to clarify existing rule provisions relating to the necessary functions of the mapping software utilized by counties for purposes of meeting visual inspection requirements.

Subchapter 11. *Reimbursements and Assistance to Counties* has been amended to strike outdated language relating to a program which no longer exists to assist counties in upgrading hardware and software to meet the criteria outlined in the Standards for Computer-Assisted Mass Appraisal.

Subchapter 12. *Agricultural Land Conservation Adjustment* has been amended to update a statutory citation.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove

obsolete language, update statutory citation, and ensure accurate internal cross-references.

AUTHORITY:

68 O.S. §§ 203 & 2825; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m. on March 6, 2018, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **March 7, 2018 at 10:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date by calling Kali Walker at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Kali Walker at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after February 15, 2018, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #18-29; filed 1-5-18]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

[OAR Docket #18-30]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Finance [AMENDED]

Subchapter 7. Local Programs, or Instructional Positions: Application; Student Accounting; Evaluation [AMENDED]

SUMMARY:

This proposed amendment adjusts TechConnect Plus by dropping the "Plus" and combining all TechConect programs in the Trade and Industrial Education Division. This proposed rule amendment updates current language, removes the word "Career Major" and replaces the word with "program". The proposed rule amendment clarifies and addresses all approved programs, both funded and unfunded programs.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 1, 2018 until 4:30 p.m. March 9, 2018. Written comments in electronic form will be accepted during the open public comment period via email at marie.saatkamp@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 29, 2018, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 1, 2018, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 1, 2018, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #18-30; filed 1-5-18]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 15. TECHNOLOGY CENTERS

[OAR Docket #18-31]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Technology Centers Education
[AMENDED]

SUMMARY:

This proposed rule amendment eliminates the requirement that a Technology Center superintendent hold a Career Tech teaching certificate. In addition to first year Technology Center superintendent requirements, a copy of the certificate will be retained at the Oklahoma Department of Career and Technology Education. This proposed rule amendment updates current language, removes the word "Career Major" and replaces the word with "program". The proposed rule enlarges the categories of technology center school district staff allowed to evaluate certified faculty at a technology center, consistent with state statute.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-108, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 1, 2018 until 4:30 p.m. March 9, 2018. Written comments in electronic form will be accepted during the open public comment period via email

at marie.saatkamp@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 29, 2018, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 1, 2018, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 1, 2018, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #18-31; filed 1-5-18]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #18-32]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Secondary, Full-Time and Short-Term Adult CareerTech Programs [AMENDED]

SUMMARY:

The proposed rule amendment clarifies the change of the TechConnect programs from the Science Technology

Engineering and Mathematics (STEM) Division to the Trade and Industrial Education Division of the Oklahoma Department of Career and Technology Education. This proposed amendment adjusts the TechConnect Plus by dropping the "Plus" and combining all TechConnect programs in the Trade and Industrial Education Division. An additional proposed rule amendment updates current language, removes the word "Career Major" and replaces the word with "program". This proposed rule amendment clarifies and simplifies the rules for cooperative education courses in Business, Marketing, and IT Education programs, identifies the length of courses based on the approved state syllabi, and also cleans up and eliminates some of the language in the rule. The proposed changes update STEM courses as they have evolved; course name changes and additional courses added; update to program options; program name update; new STEM courses; TechConnect moved to Trade & Industrial division; clarification of computer science and Gateway certifications and removes Trade & Industrial certifications from STEM certifications and makes corrections to formatting.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 1, 2018 until 4:30 p.m. March 9, 2018. Written comments in electronic form will be accepted during the open public comment period via email at marie.saatkamp@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 29, 2018, Oliver Hodge Education Building, State

Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 1, 2018, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 1, 2018, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #18-32; filed 1-5-18]

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 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH

[OAR Docket #18-7]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 31. Human Subjects Protection [NEW]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 100.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-7; filed 1-4-18]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 10. HUMAN SUBJECTS PROTECTION

[OAR Docket #18-8]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Chapter 10. Human Subjects Protection [REVOKED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 101.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-8; filed 1-4-18]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 410. WIC

[OAR Docket #18-9]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions

310:410-1-1 [AMENDED]

Subchapter 3. Vendor Management

Part 1. General Provisions

310:405-3-3 [AMENDED]

Part 3. WIC Vendor Application and Authorization Process

310:410-3-10 [AMENDED]

310:410-3-11 [AMENDED]

310:410-3-12 [AMENDED]

Part 5. WIC Vendor Education

310:410-3-20 [AMENDED]

Part 7. WIC Vendor Authorization and Responsibilities

310:410-3-33 [REVOKED]

310:410-3-34 [REVOKED]

310:410-3-35 [AMENDED]

310:410-3-40 [AMENDED]

Part 9. WIC Vendor Compliance and Sanctions

310:410-3-51 [AMENDED]

310:410-3-52 [AMENDED]

310:410-3-53 [AMENDED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 102.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

Cancelled Hearings/Comment Periods

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-9; filed 1-4-18]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 550. NEWBORN SCREENING PROGRAM

[OAR Docket #18-10]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions
310:550-1-1 [AMENDED]
310:550-1-2 [AMENDED]
Subchapter 3. Testing of Newborns
310:550-3-1 [AMENDED]
Subchapter 5. Specimen Collection
310:550-5-1 [AMENDED]
310:550-5-2 [AMENDED]
Subchapter 7. Hospital Recording
310:550-7-1 [AMENDED]
Subchapter 11. Advisory Committee
310:550-11-1 [AMENDED]
Subchapter 17. Follow-Up for Physicians
310:550-17-1 [AMENDED]
Subchapter 19. Reporting
310:550-19-1 [AMENDED]
Subchapter 21. Information
310:550-21-1 [AMENDED]
Subchapter 23. Standards, Procedures, and Follow-Up for
Certified Laboratories
310:550-23-1 [AMENDED]
Appendix A. [REVOKED]
Appendix B. [REVOKED]
Appendix C. [REVOKED]
Appendix D. [REVOKED]
Appendix E. [REVOKED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 103.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-10; filed 1-4-18]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 625. CERTIFICATE OF NEED STANDARDS FOR ICF/MR

[OAR Docket #18-2]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

310:625-1-1 [AMENDED]
310:625-1-2 [AMENDED]
310:625-1-3 [AMENDED]
310:625-1-4 [AMENDED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 105.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-2; filed 1-4-18]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 630. CERTIFICATE OF NEED STANDARDS FOR LICENSED NURSING FACILITY BEDS

[OAR Docket #18-3]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

310:630-1-1 [AMENDED]
310:630-1-3 [AMENDED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 106.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-3; filed 1-4-18]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 663. CONTINUUM OF CARE
AND ASSISTED LIVING**

[OAR Docket #18-4]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 5. Resident Assessments
310:663-5-3 [AMENDED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 106.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-4; filed 1-4-18]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 675. NURSING AND
SPECIALIZED FACILITIES**

[OAR Docket #18-5]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions
310:675-1-2. [AMENDED]
Subchapter 3. Licenses
310:675-3-1.1. [AMENDED]
Subchapter 9. Resident Care Services
310:675-9-5.1. [AMENDED]
Subchapter 11. Intermediate Care Facilities of 16 Beds
and Less for Individuals with Intellectual Disabilities
(ICF/IID - 16)
310:675-11-1. [AMENDED]
310:675-11-2. [AMENDED]
310:675-11-3. [AMENDED]
310:675-11-4. [AMENDED]
310:675-11-5. [AMENDED]
310:675-11-6. [AMENDED]
310:675-11-7. [AMENDED]
310:675-11-8. [AMENDED]
310:675-11-9. [AMENDED]
Subchapter 13. Staff Requirements
310:675-13-12. [AMENDED]
310:675-13-14. [AMENDED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 107.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-5; filed 1-4-18]

Cancelled Hearings/Comment Periods

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 677. NURSE AIDE TRAINING AND CERTIFICATION

[OAR Docket #18-6]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. General Provisions

310:677-1-2 [AMENDED]

310:677-1-3 [AMENDED]

Subchapter 3. Nurse Aide Training and Competency
Examination Program

310:677-3-4 [AMENDED]

Subchapter 5. Nurse Aide Registry

310:677-5-2 [AMENDED]

Subchapter 13. Certified Medication Aides

310:677-13-1 [AMENDED]

Subchapter 15. Developmentally Disabled Direct Care
Aides

310:677-15-1 [AMENDED]

310:677-15-2 [AMENDED]

310:677-15-3 [AMENDED]

310:677-15-4 [AMENDED]

310:677-15-5 [AMENDED]

Subchapter 17. Residential Care Aides

310:677-17-1 [AMENDED]

Subchapter 19. Adult Day Care Program Aides

310:677-19-1 [AMENDED]

REGISTER PUBLICATION NOTICE:

The Notice of Rulemaking Intent for this action was published at 35 Ok Reg 108.

CANCELLED COMMENT PERIOD:

November 15, 2017, through December 18, 2017

CANCELLED PUBLIC HEARING:

2:00 p.m., December 18, 2017, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207

ADDITIONAL INFORMATION:

A revised Notice of Rulemaking Intent announcing a new comment period and hearing date may be issued at a future date. For additional information, contact James Joslin at 405-271-6868 or james@health.ok.gov.

[OAR Docket #18-6; filed 1-4-18]

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 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #18-25]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Professional Standards: Teacher Education
and Certification

Part 9. Teacher Certification

210:20-9-102. Career development program for
paraprofessionals [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

December 20, 2017

[OAR Docket #18-25; filed 1-5-18]

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 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 45. MEDICATION AND PROHIBITED PRACTICES AND EQUINE TESTING PROCEDURES

[OAR Docket #17-933]

RULEMAKING ACTION: EMERGENCY adoption

RULES:

325:45-1-1 [AMENDED]
325:45-1-2 [AMENDED]
325:45-1-3 [REVOKED]
325:45-1-4 [AMENDED]
325:45-1-5 [AMENDED]
325:45-1-6 [AMENDED]
325:45-1-6.1 [NEW]
325:45-1-6.2 [NEW]
325:45-1-7 [REVOKED]
325:45-1-9 [AMENDED]
325:45-1-9.1 [NEW]
325:45-1-11 [AMENDED]
325:45-1-12 [AMENDED]
325:45-1-13 [AMENDED]
325:45-1-14 [AMENDED]
325:45-1-15 [REVOKED]
325:45-1-16 [AMENDED]
325:45-1-17 [AMENDED]
325:45-1-18 [AMENDED]
325:45-1-19 [AMENDED]
325:45-1-20 [AMENDED]
325:45-1-21 [AMENDED]
325:45-1-22 [REVOKED]
325:45-1-23 [REVOKED]
325:45-1-24 [AMENDED]
325:45-1-26 [AMENDED]
325:45-1-27 [AMENDED]
325:45-1-29 [AMENDED]

AUTHORITY:

3A O.S. § 200 et seq.; Oklahoma Horse Racing Commission

ADOPTION:

November 16, 2017

APPROVED BY GOVERNOR:

December 18, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed amendments extensively revise, update, and reorganize existing medication rules, including but not limited to, adding, amending, and deleting existing definitions and rules to clarify the rights and obligations of owners, trainers, and other licensees; define testing procedures; identify prohibited practices; and to add lists of permitted substances for specific breeds of horses. Pursuant to 3A O.S. § 203.7, it is in the "interest of public health, safety, and welfare" that the Oklahoma Horse Racing Commission "promulgate rules and regulations for the forceful control of race meetings held in this state." Further, "[t]he rules and regulations shall ... maintain race meetings held in this state of the highest quality and free of any horse racing practices which are corrupt, incompetent, dishonest, or unprincipled." The Commission's emergency rules are needed to effectively control the use of chemicals, medications, and substances to cheat a horse race and the betting public during the calendar year 2018 racing season.

Accordingly, the proposed emergency rule amendments are necessary to protect the public health, safety, and welfare. As a result of the foregoing, the Oklahoma Horse Racing Commission determines that an emergency exists requiring amendments to the Commission's current rules on the subject.

GIST/ANALYSIS:

The proposed amendments extensively revise, update, and reorganize existing medication rules, including but not limited to, adding, amending, and deleting existing definitions and rules to clarify the rights and obligations of owners, trainers, and other licensees; define testing procedures; identify prohibited practices; and to add lists of permitted substances for specific breeds of horses.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, bennett.abbott@ag.ok.gov

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

325:45-1-1. Purpose

~~The It is the purpose of the rules in this Chapter establish requirements and describe procedures for Commission sanctioned horse racing which to protect the integrity of horse racing, guards safeguard the health of the horsehorses, and safeguards defend the interests of the public and the racing participants through the prohibition or control of all drugs, medication and substances foreign to the natural horse, as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., §208-11200 et seq. The rules contained within~~

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this Chapter shall be considered medication rules for the application of 75 O.S. § 250.4(B)(13)(b).

325:45-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes at 3A O.S. § 200.1, the following words or terms, when used in this Chapter, shall have the following ~~meaning~~meanings, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act ~~{3A:200 et seq.}~~3A O.S. § 200 et seq.

"Analog" means any chemical with structural or chemical similarity to the parent or original chemical.

"Assistant Trainer" means a person qualified and licensed by the Commission as an Assistant Trainer.

"Authorized Agent" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner in whose behalf the Agent will act. Said affidavit must be on file with the Commission.

"Biological sample" means any physical sample collected from any part of a horse.

"Bleeder" means a horse ~~which that~~during or following exercise or the race is observed to ~~beshedding blood from~~bleeding through one or both nostrils, ~~or the mouth,~~ or hemorrhaging in the lumen of the respiratory tract during or following exercise or a race.

"Bleeder list" means a tabulation of all Bleeders which tabulation shall be maintained by the Commission.

"Chemical" means a substance having a specific molecular composition.

"Commission-Sanctioned Thresholds" mean threshold levels identified pursuant to a directive promulgated by the Commission as authorized by Oklahoma Statute Title 3A, Section 205.2(H) based upon scientific research and industry established standards which studies have shown have no pharmacological effect on the performance of the horse. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Conditions of a race" means the ~~qualifications~~requirements which determine the eligibility of a horse to be entered in a race.

"Controlled substance" means any substance included in the five classification schedules of the Oklahoma Uniform Controlled Dangerous Substances Act.

"Day" means a 24-hour period ~~ending~~beginning and ending at midnight.

"Drug (medication)" means a substance foreign to the normal physiology of the horse.

"Enclosure" means all buildings and grounds of the Organization licensee and shall include both public areas and areas with restricted access.

"Entered horse" means a horse appearing on the overnight sheet posted by the Racing Secretary.

"Foreign substances" means all substances except those which exist naturally in the untreated horse at normal physiological concentration and shall include, but not be limited to, all narcotics, stimulants, or depressants.

"Horse" means ~~any equine including mares, fillies, stallions, colts, and geldings.~~

(A) ~~any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;~~

(B) ~~an entire equine male five years of age and older.~~

"Listed threshold" means the maximum concentration of a substance detected in a post-race test which is permitted within a particular breed of horse by Commission rules.

"Metabolite" or "metabolic derivative" means any by-product resulting from a substance metabolizing within a horse's body.

"Medication" means a substance other than food intended to affect the structure or any function of the body of a human or a horse.

"ml" means the standard unit of volume, milliliter.

"Naturally occurring substance" means any chemical, analog, metabolite, or metabolic derivative that exists naturally in the body of an untreated horse.

"ng" means the standard unit of weight, nanogram.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Official Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma and employed by the Commission and qualified and licensed by the Commission as an Official Veterinarian.

"Out of competition testing" means any testing within the enclosure by the Official Veterinarian that is not pre-race testing or post-race testing.

"Organization license" means a state requirement for any person ~~desiring to~~conductor entity conducting a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds, in whole or in part, any right, title or interest in a horse ~~or an organization licensee~~ or any person who is a lessee or lessor of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Permitted substance" means any substance having a listed threshold for a particular breed of horse unless otherwise specified by Commission rules.

"pg" means the standard unit of weight, picogram.

"Plasma" means the fluid portion of the blood, which includes fibrinogen but does not include blood cells.

"Post-race testing" means the collection of biological samples by the Official Veterinarian or designee from any horse participating in a race and directed to report to the test barn following the finish of a race or as otherwise provided by Commission rules if the horse cannot report to the test barn.

"Practicing veterinarian" means a person employed by a trainer or owner to medically treat horses, is licensed to practice veterinary medicine by the State of Oklahoma, and is licensed as a veterinarian by the Commission.

"Pre-race testing" means the collection of biological samples by the Official Veterinarian or designee from any horse entered to participate in a race prior to the actual running of the race.

"Prima Facie evidence" means evidence that, until its effect is overcome by another evidence, will suffice as proof of fact in issue sufficient to establish a fact unless rebutted by other evidence.

"Primary Laboratory" means the laboratory or subcontractor of the laboratory approved by the Commission to be used for primary analysis of urine, blood or other specimens biological samples.

"Program" means the published listing of all contests and contestants for a specific performance.

"Prohibited substance" means any substance, chemical, or analog that is not listed by Commission rules as a permitted substance for a particular breed of horse or is not a naturally occurring substance.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races are conducted at that racetrack.

"Racing Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma, employed by the organization licensee, and qualified and licensed by the Commission as a Racing Veterinarian.

"Referee Laboratory" means a Commission approved laboratory which accepts referee/split samples previously reported positive for prohibited substances, or drugs reported as exceeding the listed threshold for a permitted substance, or reported as exceeding the concentration that naturally occurring substance may occur by the Primary Laboratory primary laboratory.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Salix list" means a tabulation of all horses which are authorized by the Official Veterinarian for race day use of Salix (Furosemide).

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Serum" means the liquid portion of plasma that remains after fibrinogen has been removed.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq..

"Substance violation" means any violation of medication laws or the rules contained within this Chapter.

"Substantial evidence" means evidence which a reasonable person would accept as sufficient to support a particular

conclusion and consists of more than a mere scintilla of evidence but may be less than a preponderance of the evidence.

"Test Barn" means a structure with sufficient facilities to collect biological samples in the manner required by Commission rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"ug" means the standard unit of weight, microgram."

"Veterinarian" means a person licensed to practice veterinary medicine by the State of Oklahoma and licensed as a Veterinarian by the Commission.

"Veterinarian's list" means the veterinarian's list specified by OAC 325:20-1-23.

"Week" means a seven (7) day period.

"Year" means a 365 day period.

325:45-1-3. Intent of medication rules [REVOKED]

It shall be the intent of the rules of this Chapter to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and the racing participants through the prohibition or control of all drugs, medication, and substances foreign to the natural horse [3A:208.11].

325:45-1-4. Drugs or Medication Substance violations

(a) Except as authorized by the provisions of this Chapter and Chapter 40 of this Title the rules of the Commission, no drug or medication substance shall be administered to any horse within 24 hours prior to the running of a race in which the horse is entered. Presence of any drug or its metabolites or analogs, any substance foreign to the natural horse, or Furosemide (Salix) or Phenylbutazone exceeding the Commission established tolerance level found in the testing sample of a horse participating in a Commission sanctioned race may result in disqualification by the Stewards. When a horse is disqualified because of an infraction of this Section, except as provided in 325:45-1-9 and in 325:45-1-22, the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned.

(b) The primary laboratory's detection of a prohibited substance in a biological sample collected from any horse during out-of-competition testing, pre-race testing, or post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(c) The primary laboratory's detection of a permitted substance exceeding listed thresholds in a biological sample collected from any horse during post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the

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horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(d) The primary laboratory's detection of a naturally occurring substance exceeding listed thresholds or exceeding concentrations that the substance may naturally occur in a biological sample collected from any horse during post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(e) It shall be presumed that biological samples tested by a laboratory approved by the Commission are collected from the horse in question; that the integrity of the biological sample is preserved; that all accompanying procedures of collection, preservation, transfer to the laboratory, and analyses of the sample are correct and accurate; and that the report received from the laboratory pertains to the sample collected from the horse in question and correctly reflects the condition of the horse on the day the biological sample was collected.

(f) Except as otherwise provided by Commission rules, the owner or owners of a horse disqualified for a substance violation shall not participate in any portion of the purse or stakes and any trophy or other awards shall be returned to the Stewards for redistribution to other race participants.

(g) The trainer or owner contesting prima facie evidence of a substance violation shall have the burden of proof to establish that no substance violation occurred or that other evidence mitigates the severity of punishment.

325:45-1-5. Power to Have Tested Collection and testing of biological samples

~~(a) As a safeguard against the prohibited use of drugs, medication, and substances foreign to the natural horse, and against the use of Furosemide (Salix) or Phenylbutazone in excess of the Commission approved tolerance level, a blood, urine or other acceptable sample shall be taken under the direction of the~~The Official Veterinarian or designee shall collect biological samples from the winner of every race and from such other horses as the Stewards or the Commission may designate. [3A:208.11]. The costs of quantitative testing shall be the responsibility of the horse Owner.

~~(b) The Official Veterinarian or designee may collect biological samples for pre-race testing, post-race testing, and out-of-competition testing as required by Commission rules, at his own discretion, or at the direction of the Stewards or the Commission.~~

~~(c) The Official Veterinarian or designee shall either retain the biological samples or submit the biological samples for testing as required by Commission rules.~~

~~(d) The primary biological sample shall be tested for the presence of prohibited substances, permitted substances, and naturally occurring substances by the primary laboratory.~~

~~(e) Both the trainer and owner of a horse shall be notified of any finding by the primary laboratory of a substance violation and may request a split test as provided in this Chapter. The~~

~~Commission employee that notifies a trainer or owner shall document the communication with sufficient detail to verify notice was provided.~~

325:45-1-6. Authorized Medication Use of permitted substances

~~(a) The Commission recognizes that therapeutic medications are necessary to preserve the health and welfare of horses and that horses in training, like all other athletes, may at times require the administration of certain therapeutic medications to preserve their health.~~

~~(b) As authorized under the provisions of 3A O.S., § 208.11, Furosemide (Salix) and Phenylbutazone are medications or drug substances that may be administered to a horse (treated horse), as prescribed in this Chapter, which is entered to compete in a race.~~

~~(ea) Except as otherwise authorized by the Commission rules, a horse participating in a race shall not carry in its body any drug, medication, substance, or metabolic derivative that:~~

~~(1) is a narcotico horse carrying a prohibited substance in its body shall be brought within the enclosure, entered into a race, or participate in a race;~~

~~(2) could serve as an anesthetic or tranquilizer no horse carrying a permitted substance in its body with a concentration exceeding listed thresholds shall participate in a race; or~~

~~(3) could stimulate, depress, or affect the circulation, respiratory, cardiovascular, musculoskeletal or central nervous system of a horse; no horse carrying a naturally occurring substance in its body with a concentration exceeding the concentration such substance could occur naturally shall participate in a race.~~

~~(db) A medication, drug, Any substance, or metabolic derivative thereof that might mask or screen masks or screens the presence or concentration of prohibited drugs, substances, permitted substances, or naturally occurring substances; or prevent or delay testing procedures shall be considered a prohibited substance.~~

~~(e) The presence of anabolic steroids in a race horse is strictly prohibited except for the presence of the following approved anabolic steroids at plasma/serum levels below Commission Sanctioned Thresholds:~~

- ~~(1) Stanozolol (Winstrol);~~
- ~~(2) Boldenone (Equipose);~~
- ~~(3) Nandrolone; and~~
- ~~(4) Testosterone.~~

~~(f) Testosterone at levels above the normal physiological state of the stallion, gelding or mare is strictly prohibited. A violation of this Anabolic Steroid Rule shall be regarded as a Class III violation under the penalty guidelines.~~

~~(g) The Commission shall establish a procedure for out of competition screening for anabolic steroids. The cost of out of competition testing shall be the responsibility of the owner of the tested horse.~~

~~(h) Therapeutic medications in excess of Commission Sanctioned Threshold levels established by Commission Directive [3A:205.2(H)]. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian.~~

(i) ~~Substances present in a horse in excess of concentrations at which substances could occur naturally shall be prohibited.~~

(j) ~~It shall be prima facie evidence that a horse had been administered and carried a drug, medication, substance, or metabolic derivative thereof, prohibited by this Section while running a race if:~~

~~(1) a saliva, urine, blood or other sample or specimen from the horse was taken pursuant to Rule 325:45-1-18 in this Chapter; and~~

~~(2) the Primary Laboratory detected a drug, medication, substance, or metabolic derivative thereof, prohibited by or in excess of Commission Sanctioned Threshold levels established by Commission Directive [3A:205.2(H)]. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian. The Affidavit submitted by the Primary Laboratory shall be supported by urine and/or plasma/serum results.~~

325:45-1-6.1. Listed thresholds for Thoroughbreds

(a) The thresholds listed in this section shall be considered listed threshold for permitted substances or, if specified as such, naturally occurring substances in Thoroughbreds.

(b) Non-steroidal anti-inflammatories shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

(1) Diclofenac: 5 ng/ml in biological samples consisting of plasma or serum;

(2) Dipyrrone: 20 ng/ml in biological samples consisting of plasma or serum;

(3) Firocoxib: 20 ng/ml in biological samples consisting of plasma or serum;

(4) Flunixin: 20 ng/ml in biological samples consisting of plasma or serum;

(5) Ketoprofen: 2 ng/ml in biological samples consisting of plasma or serum;

(6) Naproxen: 750 ng/ml in biological samples consisting of plasma or serum; or

(7) Phenylbutazone: 2 ug/ml in biological samples consisting of plasma or serum.

(c) Corticosteroids shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

(1) Betamethasone: 10 pg/ml in biological samples consisting of plasma or serum;

(2) Dexamethasone: 5 pg/ml in biological samples consisting of plasma or serum;

(3) Isoflupredone: 100 pg/ml in biological samples consisting of plasma or serum;

(4) Methylprednisolone: 100 pg/ml in biological samples consisting of plasma or serum;

(5) Prednisolone: 1ng/ml in biological samples consisting of plasma or serum; or

(6) Triamcinolone Acetonide: 100 pg/ml in biological samples consisting of plasma or serum.

(d) Other substances shall be considered prohibited substances except for the chemicals listed below and their

corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

(1) Acepromazine: 10 ng/ml in biological samples consisting of urine;

(2) Albuterol: 1 ng/ml in biological samples consisting of urine;

(3) Butorphanol: 300 ng/ml of total Butorphanol in biological samples consisting of urine or 2 ng/ml of free butorphanol in biological samples consisting of plasma or serum;

(4) Cetirizine: 6 ng/ml in biological samples consisting of plasma or serum;

(5) Cimetidine: 400 ng/ml in biological samples consisting of plasma or serum;

(6) Clenbuterol: 140 pg/ml in biological samples consisting of urine or at the level of detection in biological samples consisting of plasma or serum;

(7) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in biological samples consisting of plasma or serum;

(8) Detomidine: 1 ng/ml in biological samples consisting of plasma or serum;

(9) Dimethyl Sulfoxide (DMSO): 10 ug/ml in biological samples consisting of plasma or serum;

(10) Furosemide: 100 ng/ml in biological samples consisting of plasma or serum;

(11) Glycopyrrolate: 3 pg/ml in biological samples consisting of plasma or serum;

(12) Guaifenesin: 12 ng/ml in biological samples consisting of plasma or serum;

(13) Lidocaine: 25 pg/ml of total 30H-lidocaine in biological samples consisting of plasma or serum;

(14) Mepivacaine: 10 ng/ml in biological samples consisting of urine or at the level of detection in biological samples consisting of plasma or serum;

(15) Methocarbamol: 1 ng/ml in biological samples consisting of plasma or serum;

(16) Omeprazole: omeprazole sulfide- 10 ng/ml in biological samples consisting of plasma or serum;

(17) Procaine Penicillin: 25 ng/ml in biological samples consisting of plasma or serum;

(18) Pyrilamine: 50 ng/ml in biological samples consisting of plasma or serum;

(19) Ranitidine: 40 ng/ml in biological samples consisting of plasma or serum; or

(20) Xylazine: 200 pg/ml in biological samples consisting of plasma or serum.

(e) Androgenic-Anabolic Steroids (AAS) shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

(1) The naturally occurring substance, boldenone, shall be permitted in concentrations not exceeding:

(A) 25 pg/ml in biological samples consisting of plasma or serum for all horses, regardless of sex;

(B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings; or

(C) 15 ng/ml in biological samples consisting of urine for male horses other than geldings.

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- (2) The naturally occurring substance, nandrolone, shall be permitted in concentrations not exceeding:
- (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
 - (B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings; or
 - (C) 45 ng/ml in biological samples consisting of urine for male horses other than geldings.
- (3) The naturally occurring substance, testosterone, shall be permitted in concentrations not exceeding:
- (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in biological samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in biological samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the day of racing or in male horses other than geldings.
- (f) Environmental contaminants shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding listed threshold:
- (1) Arsenic: 0.3 ug/ml total arsenic in biological samples consisting of urine;
 - (2) Atropine: 70 ng/ml in biological samples consisting of urine;
 - (3) Gamma Aminobutyric Acid (GABA): 110 ng/ml in biological samples consisting of plasma or serum;
 - (4) Hydrocortisone: 1 ug/ml in biological samples consisting of urine;
 - (5) Methoxytyramine: 4 ug/ml, in biological samples consisting of urine;
 - (6) Salicylate, Salicylic Acid: 750 ug/ml in biological samples consisting of urine or 6.5 ug/ml in biological samples consisting of plasma or serum;
 - (7) Theobromine: 2 ug/ml in biological samples consisting of urine or 0.3 ug/ml in biological samples consisting of plasma or serum;
 - (8) Cobalt: 50 ng/ml in biological samples consisting of plasma or serum;
 - (9) Caffeine: 100 ng/ml in biological samples consisting of plasma or serum; or
 - (10) Estradiol: 0.045 ug/ml in biological samples consisting of urine for male horses other than geldings.
- (g) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:
- (1) The presence of more than two permitted non-steroidal anti-inflammatories in a biological sample consisting of plasma or serum is prohibited; or
 - (2) The presence of more than two corticosteroids in a biological sample consisting of plasma or serum is prohibited.
- 325:45-1-6.2. Listed thresholds for Quarter Horses, Paints, and Appaloosas**
- (a) The thresholds listed in this section shall be considered listed threshold for permitted substances or, if specified as such, naturally occurring substances in Quarter Horses, Paints, and Appaloosas.
- (b) Non-steroidal anti-inflammatories shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:
- (1) Diclofenac: 5 ng/ml in biological samples consisting of plasma or serum;
 - (2) Dipyrrone: 20 ng/ml in biological samples consisting of plasma or serum;
 - (3) Firocoxib: 20 ng/ml in biological samples consisting of plasma or serum;
 - (4) Flunixin: 20 ng/ml in biological samples consisting of plasma or serum;
 - (5) Ketoprofen: 2 ng/ml in biological samples consisting of plasma or serum;
 - (6) Naproxen: 750 ng/ml in biological samples consisting of plasma or serum; or
 - (7) Phenylbutazone: 2 ug/ml in biological samples consisting of plasma or serum.
- (c) Corticosteroids shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:
- (1) Betamethasone: 10 pg/ml in biological samples consisting of plasma or serum;
 - (2) Dexamethasone: 5 pg/ml in biological samples consisting of plasma or serum;
 - (3) Isoflupredone: 100 pg/ml in biological samples consisting of plasma or serum;
 - (4) Methylprednisolone: 100 pg/ml in biological samples consisting of plasma or serum;
 - (5) Prednisolone: 1ng/ml in biological samples consisting of plasma or serum; or
 - (6) Triamcinolone Acetonide: 100 pg/ml in biological samples consisting of plasma or serum.
- (d) Other substances shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:
- (1) Acepromazine: 10 ng/ml in biological samples consisting of urine;
 - (2) Butorphanol: 300 ng/ml of total Butorphanol in biological samples consisting of urine or 2 ng/ml of free butorphanol in biological samples consisting of plasma or serum;
 - (3) Cetirizine: 6 ng/ml in biological samples consisting of plasma or serum;
 - (4) Cimetidine: 400 ng/ml in biological samples consisting of plasma or serum;
 - (5) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in biological samples consisting of plasma or serum;
 - (6) Detomidine: 1 ng/ml in biological samples consisting of plasma or serum;

- (7) Dimethyl Sulfoxide (DMSO): 10 ug/ml in biological samples consisting of plasma or serum;
 - (8) Furosemide: 100 ng/ml in biological samples consisting of plasma or serum;
 - (9) Glycopyrrolate: 3 pg/ml in biological samples consisting of plasma or serum;
 - (10) Guaifenesin: 12 ng/ml in biological samples consisting of plasma or serum;
 - (11) Lidocaine: 25 pg/ml of total 30H-lidocaine in biological samples consisting of plasma or serum;
 - (12) Mepivacaine: 10 ng/ml in biological samples consisting of urine or at the level of detection in biological samples consisting of plasma or serum;
 - (13) Methocarbamol: 1 ng/ml in biological samples consisting of plasma or serum;
 - (14) Omeprazole: omeprazole sulfide- 10 ng/ml in biological samples consisting of plasma or serum;
 - (15) Procaine Penicillin: 25 ng/ml in biological samples consisting of plasma or serum;
 - (16) Pyrilamine: 50 ng/ml in biological samples consisting of plasma or serum;
 - (17) Ranitidine: 40 ng/ml in biological samples consisting of plasma or serum; or
 - (18) Xylazine: 200 pg/ml in biological samples consisting of plasma or serum.
 - (e) Androgenic-Anabolic Steroids (AAS) shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:
 - (1) The naturally occurring substance, boldenone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for all horses, regardless of sex;
 - (B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings; or
 - (C) 15 ng/ml in biological samples consisting of urine for male horses other than geldings.
 - (2) The naturally occurring substance, nandrolone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
 - (B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings; or
 - (C) 45 ng/ml in biological samples consisting of urine for male horses other than geldings.
 - (3) The naturally occurring substance, testosterone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in biological samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in biological samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the day of racing or in male horses other than geldings.
 - (f) Environmental contaminants shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding listed threshold:
 - (1) Arsenic: 0.3 ug/ml total arsenic in biological samples consisting of urine;
 - (2) Atropine: 70 ng/ml in biological samples consisting of urine;
 - (3) Gamma Aminobutyric Acid (GABA): 110 ng/ml in biological samples consisting of plasma or serum;
 - (4) Hydrocortisone: 1 ug/ml in biological samples consisting of urine;
 - (5) Methoxytyramine: 4 ug/ml, in biological samples consisting of urine;
 - (6) Salicylate, Salicylic Acid: 750 ug/ml in biological samples consisting of urine or 6.5 ug/ml in biological samples consisting of plasma or serum;
 - (7) Theobromine: 2 ug/ml in biological samples consisting of urine or 0.3 ug/ml in biological samples consisting of plasma or serum;
 - (8) Cobalt: 50 ng/ml in biological samples consisting of plasma or serum;
 - (9) Caffeine: 100 ng/ml in biological samples consisting of plasma or serum; or
 - (10) Estradiol: 0.045 ug/ml in biological samples consisting of urine for male horses other than geldings.
 - (g) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:
 - (1) The presence of more than two permitted non-steroidal anti-inflammatories in a biological sample consisting of plasma or serum is prohibited; or
 - (2) The presence of more than two corticosteroids in a biological sample consisting of plasma or serum is prohibited.
- 325:45-1-7. Authority to test sample [REVOKED]**
~~Prior to or following a race, a horse may be subjected to having a blood and/or serum or other specimen taken at the direction of the Official Veterinarian to determine quantitative Furosemide (Salix) and Phenylbutazone levels and/or the presence of other drugs which may be contained in the blood, urine or other specimen sample. [3A:204(A)(14); see also 3A:204.1B and 3A:208.11] It shall not be a violation of this Chapter unless the Primary Laboratory confirms the presence of therapeutic medications by plasma/serum results above the Commission sanctioned levels.~~
- 325:45-1-9. Furosemide (Salix) use without detention barnuse**
- (a) ~~The use of Furosemide (Salix) shall be permitted under the following conditions:~~
 - (1) ~~The dose of Furosemide shall be administered intravenously.~~
 - (2) ~~The Commission has established a post race plasma/serum concentration level not to exceed 100 ng/ml of Furosemide (Salix). Furosemide shall not be~~

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administered within four hours of post time for the race in which the horse is entered.

(3) Any treated horse may be subject to having a blood and/or urine sample taken at the direction of the Official Veterinarian to determine the quantitative Furosemide (Salix) levels and/or the presence of other drugs which may be present in the blood or urine sample. The cost of such testing shall be at the expense of the Owner. The concentration of Furosemide in the post-race biological sample consisting of blood or plasma shall not exceed the listed threshold.

(4) The permitted quantitative Furosemide (Salix) level (tolerance level) shall not exceed the tolerance level established by Commission directive [3A:205.2(H)]. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian.

(5) The Stewards shall impose a fine of Five Hundred Dollars (\$500.00) for any Trainer in violation of this Section for a first time offense. For a second time offense involving the same horse in a one (1) year period for violation of this Section, the Stewards shall impose a fine of Dollars (\$1,000.00) unless the Trainer was not notified of the first offense prior to the horse running the second time, in which case the Stewards shall impose a fine of Five Hundred Dollars (\$500.00). The Stewards shall impose a fine of Two Thousand Five Hundred Dollars (\$2,500.00) and may suspend for up to one year the license of any person for a third time violation within a one (1) year period of this Section involving the same horse. When a Trainer has a third violation within a one (1) year period, the horse shall be disqualified and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned unless the Trainer was not notified of the second offense prior to the horse running the third time, in which case the Stewards shall impose a fine of Two Thousand, Five Hundred Dollars (\$2,500.00).

(b) The following penalties shall be imposed for violations of this section:

(1) For a first offense, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500.00) for violation of this section.

(2) For a second offense involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of One Thousand Dollars (\$1,000) for violation of this section unless the trainer was not notified of the first offense prior to the second running of the horse, in which case the Stewards shall impose a fine of Five Hundred Dollars (\$500.00) for the second offense.

(3) For a third offense or additional offenses involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of Two Thousand Five Hundred Dollars (\$2,500) and may suspend the trainer for up to one year for violation of this section unless the trainer was not notified of the second offense prior to the third running of the horse, in which case the Stewards shall impose a fine of Two Thousand Five Hundred Dollars (\$2,500) and no trainer suspension for the third offense.

(4) When trainer has a third offense or additional offenses involving the same horse within a one year period, the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award shall be returned unless the trainer was not notified of the second offense prior to the third running of the horse.

(c) Entering a horse to race with Furosemide and failure to have a detectable concentration of Furosemide in the biological sample consisting of plasma or serum collected during post-race testing shall be a substance violation.

(1) The trainer of a horse entered to race with Furosemide without a detectable level of Furosemide in the biological sample collected during post-race testing shall be fined Five Hundred Dollars (\$500.00).

(2) The practicing veterinarian treating a horse entered to race with Furosemide without a detectable level of Furosemide in the biological sample collected during post-race testing shall also be subject to a Five Hundred (\$500.00) fine should the Stewards determine that there was negligence on the practicing veterinarian's part.

325:45-1-9.1. Phenylbutazone use

(a) Phenylbutazone shall be permitted under the following conditions:

(1) Phenylbutazone shall not be administered within twenty-four (24) hours prior to post time for the race in which the horse is entered.

(2) The concentration of Phenylbutazone in the post-race biological sample consisting of blood or plasma shall not exceed the listed threshold.

(b) The following penalties shall be imposed for violations of this section when the concentration of Phenylbutazone exceeds 2 ug/ml but does not exceed 5 ug/ml in a biological sample consisting of plasma or serum:

(1) For a first offense, the Stewards shall give the trainer a written warning of the violation of this section.

(2) For a second offense involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of Two Hundred Fifty Dollars (\$250) and the Stewards may require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.

(3) For a third offense or additional offenses involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the third or additional offenses to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.

(c) The following penalties shall be imposed for violations of this section when the concentration of Phenylbutazone exceeds 5 ug/ml in a biological sample consisting of plasma or serum:

(1) For a first offense, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500) and the Stewards shall require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.

(2) For a second offense within a one year period, the Stewards shall impose a fine on the trainer of One Thousand Dollars (\$1,000), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race. If the horse which is the subject of the second offense is also the subject of the first offense, the horse shall be placed on the veterinarian's list for forty-five (45) days.

(3) For a third offense or additional offenses within a one year period, the Stewards shall impose a fine on the trainer of Two Thousand Five Hundred Dollars (\$2,500), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the third offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race. If the horse which is the subject of the second offense is also the subject of the first offense, the horse shall be placed on the veterinarian's list for sixty (60) days.

(4) For a fifth offense or additional offenses within a one year period, the trainer shall be referred to the Stewards for disciplinary action.

325:45-1-11. Trainer responsibility –Furosemide (Salix)

(a) Should the chemical analysis of the urine, blood, other sample or specimen taken from a horse under the Trainer's supervision show that the drug Furosemide (Salix) is present in an amount exceeding the Commission approved tolerance level, it shall be taken as prima facie evidence that the same was administered by or with the knowledge of the Trainer or person or persons under his/her supervision having care or custody of such horse. The trainer of a horse which is the subject of a substance violation shall be responsible for the substance violation. At the discretion of the Stewards or Commission, the Trainer a trainer and all other Commission licensed persons shown to have had care or custody of such cared for, had custody of, or treated the horse which is the subject of a substance violation may be fined or suspended or both in accordance with this Chapter. If the Trainer cannot be present on race days, s/he shall designate an Assistant Trainer. Such designation shall be made prior to time of entry unless otherwise approved by the Stewards. Failure to fully disclose the actual Trainer of a horse participating in an approved race shall be grounds to disqualify the horse and subject the actual Trainer to possible disciplinary action by the Stewards or the Commission. Designation of an Assistant Trainer shall not

relieve the Trainer's absolute responsibility for the conditions and eligibility of the horse but shall place the Assistant Trainer under absolute responsibility also. Willful failure on the part of the Trainer to be present at, or refusal to allow the taking of any specimen, or any act or threat to prevent or otherwise interfere therewith shall be cause for disqualification of the horse involved; and the matter shall be referred by the Official Veterinarian to the Stewards for further action.

(b) ~~Failure to Detect a Reported Permitted Medication.~~ A horse that is an official Salix user pursuant to this Chapter that does not show a detectable concentration of Furosemide (Salix) in the post race plasma or serum sample shall be in violation of this Section. The Trainers of the horse which fails to show a detectable level of Furosemide (Salix) shall be fined Five Hundred Dollars (\$500.00). Veterinarians shall also be subject to a Five Hundred (\$500.00) fine should the Stewards determine that there was negligence on his/her part. If the trainer is or plans to be absent from the enclosure on race day, the trainer may designate another licensed trainer or assistant trainer to be responsible for saddling horses after obtaining the Stewards approval for the substitution. Designation of an another licensed trainer or assistant trainer shall not relieve the trainer from absolute responsibility for the condition and eligibility of a horse.

(c) Failure to disclose the actual trainer of a horse participating in a race shall be grounds to disqualify the horse and subject the actual trainer to possible disciplinary action by the Stewards or the Commission.

(d) Any act or omission by a trainer or a person under the supervision of the trainer which prevents or interferes with the collection of biological samples as described by this Chapter shall be a violation of rules and a cause for disqualification of the horse involved and such other penalties as the Stewards or the Commission deem appropriate.

325:45-1-12. Bleeder and Furosemide(Salix) User Listlists

(a) ~~The~~ At each race meeting, the Official Veterinarian at each race meeting or designee shall maintain on a current Bleeder and Furosemide (Salix) User List (hereinafter referred to as the "List") a list of horses classified as known Bleeders or Salix users a bleeder list. The Official Veterinarian shall make the list available to Racing Officials at other racetracks operating in Oklahoma. Once a horse is a known Bleeder, the Official Veterinarian shall record and initial on the foal certificate of the horse.

(+) Furosemide (Salix) User:

(A) A horse shall be placed on the List if administered Salix prior to a race. Furosemide (Salix) may be administered to a horse that is entered to compete in a race. It is recommended that the dosage not exceed two hundred fifty (250) milligrams or be less than one hundred (150) milligrams. The dosage is recommended to be administered not less than four (4) hours prior to post time.

(B) A horse whose most recent past performance line indicates the horse has been participating on

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~~Furosemide (Salix) may be allowed to continue to use Salix. No Bleeder Certificate shall be issued.~~

~~(2) Bleeder: A horse shall be a known Bleeder and be placed on the List under the following conditions:~~

~~(A) When such horse demonstrates visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination, and such hemorrhage is sufficient to impair the ability of the horse to race safely. Such examination must be performed by an Oklahoma Horse Racing Commission licensed Veterinarian practicing within the enclosure, providing the bleeding occurred at a licensed Oklahoma Horse Racing Commission racetrack. The Racing or Official Veterinarian may be present during the examination.~~

~~(B) A horse with a Bleeder Certificate from another jurisdiction which employs Bleeder qualification criteria deemed satisfactory to the Commission, as specified in (1) of this Section, and such horse is approved to participate by the Official Veterinarian. Once a horse is placed on the Bleeder List, the Owner will receive a Bleeder Certificate signed by the practicing Veterinarian and the Official Veterinarian. A horse shall be removed from the Salix List only by the Official Veterinarian, who shall provide written notification to the Stewards of the reason for~~

(b) The Official Veterinarian shall identify horses demonstrating visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination sufficient to impair the ability of the horse to race safely on the bleeder list.

(c) The Official Veterinarian shall post bleeder lists in the racing office and make bleeder lists available to Stewards and racing officials at all Oklahoma racetracks.

(d) The Official Veterinarian shall record any determination that a horse is a bleeder on the foal certificate of the horse.

325:45-1-13. Racing after bleeding

(a) A horse that demonstrates visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination, the horse that is a known Bleeder shall not be eligible to race for a period of not less than ten (10) days after it is placed on the Bleeder and Furosemide (Salix) User List, except as otherwise determined by the Official Veterinarian, and has been approved by the Racing Veterinarian or Official Veterinarian or some longer period specified by the Official Veterinarian.

(b) A horse that has a second occurrence of bleeding within 365 days of the first bleeding occurrence shall not be eligible to race for thirty (30) days from the date of such bleeding occurrence or some longer period specified by the Official Veterinarian.

(c) A horse that has a third occurrence of bleeding within 365 days of the first bleeding occurrence shall not be eligible to race in this jurisdiction for ninety (90) 180 days from the date

of such bleeding occurrence or some longer period specified by the Official Veterinarian.

(d) Should a horse experience more than three occurrences of bleeding in a 365 day period, it shall not be eligible to race in this jurisdiction for 365 days from the date of any subsequent bleeding occurrence in Oklahoma.

325:45-1-14. Racing soundness examination

(a) Each horse entered to race may be subject to a veterinary examination by the Official Veterinarian or his/her authorized representative designee for racing soundness and health on race day.

(b) Refusal or failure to present a horse for a veterinary examination by the Official Veterinarian may result in disqualification of the horse, placement of the horse on the veterinarian's list, or both.

325:45-1-15. Equine drug testing laboratory reports [REVOKED]

~~A finding by a chemist at a Commission approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse in excess of the Commission Sanctioned Threshold shall be prima facie evidence that such has been administered to the horse either internally or externally in violation of these rules. It is presumed that the sample of urine, blood or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question; its integrity is preserved; that all accompanying procedures of collection, preservation, transfer to the laboratory, and analyses of the sample are correct and accurate; and that the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered, with the burden on the Trainer, Assistant Trainer and/or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the Stewards or the Commission.~~

325:45-1-16. Pre-race testing

(a) The Official Veterinarian, Stewards, or Commission may require any horse entered to race to submit to a blood or other pre-race test pre-race testing, and no horse is eligible to start in a race until the Owner or Trainer complies with the required testing procedure [3A:204(A)(14)].

(b) If pre-race testing is required by the Official Veterinarian, Stewards, or Commission, no horse shall be eligible to start in a race until a biological sample has been collected from the horse by the Official Veterinarian.

325:45-1-17. Requirements for official testing

Organization Licensees shall provide the equipment, necessary supplies, and services prescribed required by the Commission and the Official Veterinarian for the taking or administration of blood, urine, or other tests collection of biological samples.

325:45-1-18. Taking Collection of post-race samples

Pursuant to the provisions of 3A:204(A)(14):

~~(1a) Blood~~Biological samples shall be taken~~collected~~ only by the Official Veterinarian or designee except as otherwise provided ~~in the Rules of Racing by Commission rules.~~

~~(2b) In the ease of event a horse which has suffered a~~suffers catastrophic injury, the Racing Veterinarian may obtain~~collect~~ a blood sample~~biological sample~~ from the injured horse prior to taking any necessary humane actions~~necessary action~~. If the Trainer is immediately available, he or she may witness the collection process. If the Trainer is not immediately available to witness the collection process, any other licensed individual shall act as the witness to the collection process.

(1) If the trainer is immediately available, the trainer may witness the collection of the biological sample.

(2) If the trainer is not immediately available, any other licensed individual may act as witness to the collection of the biological sample.

~~(3c) Urine, other~~Biological samples or specimens shall be taken under the direction of the~~collected by the~~ Official Veterinarian or designee~~persons appointed or assigned by the Official Veterinarian for such purposes. All~~Biological samples shall be taken~~collected in a detention area~~the test barn~~approved by the Commission, unless the Official Veterinarian approves otherwise, as follows:—~~ Each horse shall be cooled out for a minimum of thirty (30) minutes after the race before a urine sample is to be taken. The taking of any test samples shall be witnessed, confirmed or acknowledged by the Trainer of the horse being tested or his/her authorized representative or employee, and may be witnessed by the Owner, Trainer, or other licensed person designated by them. Such samples shall be sent to racing laboratories approved and designated by the Commission, in such manner as the Commission or its designee may direct. All required samples shall be in the custody of the Official Veterinarian, his/her assistants, or other persons approved by the Official Veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory. Except for 1) the decanting of the sample by the Official Veterinarian or other person authorized by the Official Veterinarian to do so, 2) for the addition of preservatives or substances necessarily added by the Commission approved laboratory for preservation of the sample, and 3) or in the process of analysis, no person shall break the seal of, remove, or otherwise attempt to alter any sample required to be collected by this Chapter.

(1) Each horse shall be cooled out for a minimum of thirty (30) minutes after the race before a post-race biological sample is collected;

(2) The collection of biological samples shall be witnessed, confirmed or acknowledged by the trainer of the horse being tested or the trainer's authorized representative or employee;

(3) The collection of biological samples may be witnessed by the owner;

(4) The Official Veterinarian or designee may decant the biological sample consisting of blood and may use such preservatives or substances necessary for the preservation of the biological sample;

(5) The trainer, the trainer's authorized representative or employee, or the owner, may witness the decanting of blood. Failure to witness the decanting process constitutes a waiver of the right to do so;

(6) Biological samples shall be sent to a primary laboratory designated by the Commission;

(7) When available, biological samples used for split testing may be sent to a referee laboratory at the election of the trainer or owner as otherwise provided by Commission rules;

(8) Biological samples shall remain in the custody of the Official Veterinarian or designee from the time the biological sample is collected until the biological sample is delivered for shipment to the primary or referee laboratory.

(9) No person shall break the seal of, remove, or otherwise attempt to alter any biological sample except for:

(A) The decanting of the biological sample by the Official Veterinarian or designee,

(B) The addition of preservatives or substances necessary for the preservation of the biological sample by the Official Veterinarian or designee, and

(C) The primary or referee laboratory in the process of testing.

~~(4d) The Commission has the authority to~~may direct the approved~~primary or referee~~ laboratory to retain and preserve samples for future analysis.

~~(5e) The fact that~~distribution of purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this Chapter to the horse earning such purse money~~considered evidence of any official finding by the Commission regarding a substance violation.~~

~~(6) The decanting of a blood sample at the Trainer's/Owner's option may be witnessed by the Trainer/Owner of the horse being tested or by his/her authorized representative or employee or other licensed person designated by the Trainer/Owner. The Trainer/Owner exercises his/her option to witness the decanting of a blood sample by making himself/herself or authorized representative or employee or other licensed person designated by the Trainer/Owner present at the time of the decanting of the blood sample. If not present at the time of decanting, the Trainer/Owner or authorized representative or employee or other licensed person designated by the Trainer/Owner waives the right to witness the decanting process.~~

325:45-1-19. Laboratories approved and designated by the commission Official testing

~~(a) Only laboratories approved by the Commission may be used in obtaining analysis reports on urine, blood, or other specimens, taken to test biological samples collected from the winners or other designated horses of each race meeting. The Commission and the Board of Stewards shall receive reports directly from the laboratory. [3A:204(A)(14)]~~

(b) Approved primary and referee laboratories shall report directly to the Commission and Stewards.

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(bc) The Commission shall publish a list of approved Referee Laboratories which must be able to demonstrate competency for that drug or substance reported by the Primary Laboratory, at the limit of detection (LOD) applied by the Primary Laboratory, from which an Owner/Trainer shall select one referee laboratories available for split testing.

325:45-1-20. Split sample tests

(a) As determined by the Official Veterinarian, when sample ~~When the quantity of biological samples collected by operation of Commission rules permits, each test sample shall be divided into two (2) portions so that one (1) portion shall be used for the initial primary testing for substances in the sample and the second portion shall, if available, be retained for split testing. Urine and blood samples shall be collected unless otherwise provided by rule. Both the Trainer and Owner shall be notified in writing of positive lab report of the horse. If the duly notified Trainer and/or Owner so requests in writing to the Stewards within forty eight (48) hours of notice of a positive lab report on the test sample of his/her horse, the split sample shall be sent for further testing to a drug testing laboratory approved by the Commission. Nothing in this Section shall prevent the Commission or Executive Director from ordering first use of both sample portions for testing purposes. The results of said split sampling may not prevent the disqualification of the horse pursuant to the provisions of 325:45-1-15 and 325:45-1-4. All costs for the transportation, shipment and testing of the split sample shall be the financial responsibility of the requesting person, and payment shall be paid by the requesting person through the Horsemen's Bookkeeper or otherwise at the time of packaging. The Official Veterinarian shall have overall responsibility for the freezing, storage, and safeguarding of the split sample. Failure of an Owner and/or Trainer to make a written request of the Stewards for split sample testing within 48 hours or failure to make payment as required by this rule constitutes a waiver of any and all rights to have the split sample tested. If the split sample is not confirmed as positive by the Referee Laboratory, the Owner or Trainer will be reimbursed the cost of testing by the Commission.~~

(b) Biological sample consisting of blood shall be collected and processed as provided by Commission rules. Biological samples consisting of urine shall be collected if available. Other biological samples may be collected at the direction of the Stewards or the Commission.

(c) The Official Veterinarian or designee shall be responsible for the freezing, storage, safeguarding, and shipment of biological samples to primary or referee laboratories

(d) When biological samples are available for split testing, an owner or trainer may request a split test, subject to the following conditions:

(1) The owner or trainer shall make the request for a split test in writing within forty-eight (48) hours following notification of a substance violation.

(2) All costs for split testing, including the shipment and testing of biological samples, shall be the financial responsibility of the requesting trainer or owner.

(3) Payment for the costs of split testing shall be paid within seventy-two (72) hours following notification of

the cost of split testing to the requesting trainer or owner. Failure to make timely payment of split testing costs shall be deemed a waiver of a person's right to conduct a split test.

(4) Payment for the costs of split testing shall be in the form of a check from the horseman's bookkeeper account or cashier's check. No other forms of payment shall be accepted.

(5) The trainer, the trainer's authorized representative or employee, the owner, or other licensed person designated by the owner may witness the packaging and shipping of biological samples. Failure to appear at the appointed time to witness the packaging and shipping of biological samples constitutes a waiver of the right to do so:

(6) Failure of a trainer or owner to submit a timely request for split testing or failure to make timely payment for the costs of split testing shall constitute a waiver of any and all rights to have a split test performed.

(e) The results of the split test shall not prohibit the Commission from imposing appropriate penalties for substance violations, including the disqualification of a horse or other penalties imposed against the trainer.

(1) If the primary test results are not confirmed by the split test, the Commission shall reimburse the trainer or owner requesting the split test the cost of shipment and testing.

(2) Contradictory split test results or split test results that do not confirm the primary test results may be offered by an owner or trainer as evidence to rebut the prima facie evidence of a substance violation established by the primary test results. However, a request for a split test shall not obligate Commission staff to submit evidence of confirmatory split test results for the purposes of proving that a substance violation occurred.

(f) Nothing in this Section shall prevent the Commission or Executive Director from ordering first use of both sample portions for testing purposes.

325:45-1-21. Facilitating the ~~taking~~ collection of post-race urine samples

When a horse has been in the test barn more than one-and-one-half (1-1/2) hours, a diuretic may be administered by the Official Veterinarian or designee for the purpose of facilitating the collection of a urine sample with permission of the Stewards and the ~~Trainer-trainer~~ or the ~~Trainer's~~ trainer's authorized test barn representative. The cost of administration of the diuretic is the responsibility of the ~~Trainer~~ owner. ~~Prior to the administration of a diuretic, a blood sample may be collected from the horse.~~

325:45-1-22. Phenylbutazone use [REVOKED]

The use of Phenylbutazone shall be permitted under the following conditions:

(1) Any horse to which Phenylbutazone has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the Official Veterinarian to determine the quantitative Phenylbutazone level(s)

and/or the presence of other drugs which may be present in the blood or urine sample(s). The cost of such testing shall be at the expense of the horse Owner.

(2) The permitted quantitative test level of Phenylbutazone shall not exceed 5 micrograms (ug) per milliliter (ml) of plasma/serum.

(3) The Stewards shall impose a fine of Five Hundred Dollars (\$500.00) for violation of paragraph (2) of this Section if the result of quantitative testing exceeds 5 micrograms (ug) per milliliter (ml) of plasma/serum but not greater than 10 micrograms (ug) per milliliter (ml) of plasma/serum. In the event any Trainer violates paragraph (2) of this Section not exceeding 10 micrograms per milliliter of plasma/serum five (5) or more times within a one (1) year period, that Trainer shall be subject to a One Thousand Dollar (\$1,000.00) fine. If the result of quantitative testing of the sample(s) exceed 10 micrograms (ug) per milliliter (ml) of plasma/serum, the Stewards shall impose a fine of One Thousand Dollars (\$1,000.00); and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned. For a second time offense for violation of greater than 10 micrograms (ug) per milliliter (ml) of plasma/serum, the Stewards shall impose a fine of Two Thousand, Five Hundred Dollars (\$2,500.00); and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned; and if the second time offense is on the same horse within a one (1) year period, the Stewards shall impose a fine of Two Thousand, Five Hundred Dollars (\$2,500.00) and may suspend the Trainer for up to thirty (30) days; and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned. Penalties for third time and subsequent violations on the same horse shall be assessed by the Stewards to include fines not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per person per violation, suspension of a license for up to one year, revocation of a license, ordering that a person be ineligible to hold a license, referral of the matter to the Commission with or without recommendation, or any combination of these assessments.

(4) If within one (1) year, any Licensee violates paragraph 3 of this Section by exceeding 10 ug/ml of plasma/serum five (5) times or more, the Stewards shall refer that Licensee to the Commission for disciplinary

325:45-1-23. Trainer responsibility - Phenylbutazone [REVOKED]

Should the chemical analysis of the urine, blood, other sample or specimen taken from a horse under the Trainer's supervision show that the drug Phenylbutazone is present in an amount exceeding the Commission approved tolerance levels, it shall be taken as prima facie evidence that the same was administered by or with the knowledge of the Trainer or person or persons under his/her supervision having care or custody of such horse. At the discretion of the Stewards or Commission,

the Trainer and all other persons shown to have had care or custody of such horse may be fined or suspended or both in accordance with this Chapter. If the Trainer cannot be present on race days, s/he shall designate an Assistant Trainer. Such designation shall be made prior to time of entry unless otherwise approved by the Stewards. Failure to fully disclose the actual Trainer of a horse participating in an approved race shall be grounds to disqualify the horse and subject the actual Trainer to possible disciplinary action by the Stewards or the Commission. Designation of an Assistant Trainer shall not relieve the Trainer's absolute responsibility for the conditions and eligibility of the horse but shall place the Assistant Trainer under absolute responsibility also. Willful failure on the part of the Trainer to be present at, or refusal to allow the taking of any specimen, or any act or threat to prevent or otherwise interfere therewith shall be cause for disqualification of the horse involved; and the matter shall be referred by the Official Veterinarian to the Stewards for further action.

325:45-1-24. Drug Substance classification and penalties

Upon a finding of a violation of any medication substance violation or prohibited substances rule in this Chapter, the Stewards shall consider the classification level of the substance violation as currently established by the UNIFORM CLASSIFICATION GUIDELINES OF FOREIGN SUBSTANCES (Version 12.0)(Version 13.2) as promulgated by the Association of Racing Commissioners International, Inc. and may impose penalties and disciplinary measures consistent with the recommendations contained therein, except not to conflict with the mandates of 325:45-1-9 and 325:45-1-22. Provided, however, that in the event a majority of the Stewards determine that aggravating or mitigating circumstances require imposition of a different penalty than the penalty suggested by the guidelines, the Stewards may impose a different penalty. In the event a majority of the Stewards wish to impose a penalty in excess of the authority granted them by 325:1-1-7, the Stewards may impose a penalty up to the maximum penalty authorized by state law and refer the matter to the Commission with specific recommendations for further action.

325:45-1-26. Primary laboratory's request for additional test time

In the event that the Primary Laboratory's The primary laboratory's official chemist should find a specimen sample suspicious of a prohibited substance or medication, he/she may request in writing additional time not exceeding ten (10) business days for testing and analysis and/or confirmation from the Commission. The Owner/Trainer/Commission shall be notified notify the trainer and owner in writing in the event that additional time is granted.

325:45-1-27. Prohibited practices and certain penalties

In addition to other prohibitions set forth in this administrative regulation, the following items or therapies shall be prohibited at a location under the jurisdiction of the Commission within the enclosure:

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- (1) ~~The possession and use of a drug, medication or~~Any substance (a) which may endanger the health and welfare of the horse or (b) the use of which may endanger the safety of the rider;
- (2) ~~The possession or use of a drug, Any medication or substance that~~which has not been approved by the United States Food and Drug Administration (FDA) for use in humans or animals;
- (3) ~~The possession or use of the following Agents at a location under the jurisdiction of the Commission:~~Erythropoietin:
- (A) Erythropoietin;
 - (B) Darbepoietin;
 - (C) Oxyglobin;
 - (D) Hemopure; or
 - (E) ~~Any substance that abnormally enhances the oxygenation of body tissue.~~
- (4) Darbepoietin;
- (5) Oxyglobin;
- (6) Hemopure;
- (7) Any substance that abnormally enhances the oxygenation of body tissue;
- (48) ~~The practice, administration or application of a treatment, procedure or therapy which may (a) endanger the health or welfare of a horse or (b) Endanger the safety of a rider. Any device or machine which may endanger the health and welfare of a horse or may endanger the safety of a rider;~~
- (59) ~~The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall not be permitted unless the following conditions are met:~~
- (A) Any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment.
 - (B) The use and possession of Extracorporeal Shock Wave Therapy machines shall be ~~limited to Commission Licensed Veterinarians only~~restricted to practicing veterinarians.
 - (C) Extracorporeal Shock Wave Therapy machines ~~which are~~ within the enclosure shall be registered with and approved by the Commission.
 - (D) Any treatments administered using a Extracorporeal Shock Wave Therapy machine shall be reported to the Official Veterinarian by the Trainer ~~and/or Veterinarian or practicing veterinarian~~ no later less than twenty-four (24) hours ~~post administration~~following treatment.
- (610) ~~The administration, within 24 hours of prior to a race, of an alkalizing substance that could~~can alter the pH of serum or plasma, pH or concentration of bicarbonates, or total dissolved carbon dioxide in a horse.
- (711) ~~Possession or use of a~~A blood gas machine by other than or ozone generator an authorized representative of the Commission at a location under the jurisdiction of the Commission.

325:45-1-29. Environmental contaminants and substances of human use

- (a) ~~The Commission recognizes that environmental contaminants are endogenous to the horse or they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation processing treatment, storage or transportation phases. Testing of biological samples may detect the presence of prohibited substances that are caused by environmental contamination and not through any fault of the trainer.~~
- (b) ~~The following drugs are recognized as substances of human use and addiction and which could be found in the horse due to its close association with humans; included but are not limited to:~~
- (1) ~~caffeine~~
 - (2) ~~cocaine~~
 - (3) ~~morphine~~
 - (4) ~~lidocaine~~
 - (5) ~~strychnine~~
 - (6) ~~atropine~~
- (eb) ~~Any biological sample containing an environmental contaminant found to be over the Commission Sanctioned Thresholds shall be treated as a positive substance violation; however, if substantial evidence may be presented in a Hearing pursuant to Rule 325:45-1-26 showing that a positive test the substance violation is the likely result of environmental contamination or inadvertent exposure due to human drug use, it should be considered as a mitigating factor in any disciplinary action taken against the affected Trainer. The Stewards shall consider evidence of environmental contamination as a mitigating or explanatory evidence when making a determination about the appropriate punishment for the substance violation.~~

[OAR Docket #17-933; filed 12-28-17]

TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

[OAR Docket #18-28]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions
 - 605:10-1-2 [AMENDED]
- Subchapter 3. Education and Examination Requirements
 - 605:10-3-1 [AMENDED]
 - 605:10-3-2 [AMENDED]
 - 605:10-3-4 [AMENDED]
 - 605:10-3-4.1 [NEW]
 - 605:10-3-6 [AMENDED]
- Subchapter 7. Licensing Procedures and Options
 - 605:10-7-1 [AMENDED]
 - 605:10-7-2 [AMENDED]
 - 605:10-7-4 [AMENDED]
 - 605:10-7-7 [AMENDED]
 - 605:10-7-8 [AMENDED]
 - 605:10-7-8.1 [AMENDED]
 - 605:10-7-8.2 [AMENDED]

Subchapter 9. Broker's Operational Procedures

605:10-9-3.2 [NEW]

605:10-9-4 [AMENDED]

AUTHORITY:

Oklahoma Real Estate Commission; 59 O.S., Section 858–208

ADOPTION:

October 17, 2017

APPROVED BY GOVERNOR:

October 26, 2017

EFFECTIVE:

November 1, 2017

EXPIRATION:

Effective through September 14, 2018, 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 dealing with a new Broker Associate license, regulation of team names and additional licensing requirements were statutorily mandated with the passage of SB0266 during the 2017 legislative session, with an effective date of November 1, 2017.

GIST/ANALYSIS:

605:10-1-2. Definitions Adding definition of "team name" and clarifying definition of "branch office broker." New legislation has introduced team names into our area of regulation, and legislative changes to the statutory definition of "broker" require clarification to the definition of "branch office broker."

605:10-3-1. Pre-license education requirements Clarifying pre-exam requirements for a broker associate license. Legislation created the new license type of "broker associate," and this proposed rule would clarify which exam these applicants should take prior to licensure.

605:10-3-2. Application for license Adding applicable provisions for a broker license. Legislative changes require evidence of transaction experience and successful completion of the Broker in Charge course prior to licensure as a Broker.

605:10-3-4. Broker applicant; experience Modifying experience requirements for broker and broker associate licensure due to legislative changes requiring experience prior to broker licensure.

605:10-3-4.1. Broker associate applicant; experience This new section is needed due to the statutory creation of the Broker Associate license.

605:10-3-6. Continuing education requirement Updating types of licenses required to take Broker in Charge course due to legislative changes to the statutory definition broker.

605:10-7-1. License issuance Adding language for a sales associate changing to a broker associate. This language is necessary to the statutory creation of the broker associate license. Clarifying the proration of fees due to any license changes with the new Broker Associate license type.

605:10-7-2. License terms and fees; renewals; reinstatements Adding fees for a broker associate license, which is necessary due to the statutory addition of a Broker Associate license.

605:10-7-4. Request for activation or re-issuance of license Adding education experience for broker licensure due to new statutory requirements.

605:10-7-7. Branch offices Allowing additional time for a broker to be appointed in case of emergency. Statutory changes have increased the requirements to become a branch broker, and this additional time will allow newly-appointed branch broker more time to meet these requirements.

605:10-7-8. Corporation licensing procedures and requirements of good standing Allowing additional time for a broker to be appointed in case of emergency. Statutory changes have increased the requirements to become a broker, and this additional time will allow newly-appointed brokers more time to meet these requirements.

605:10-7-8.1. Partnership licensing procedures and requirements of good standing Allowing additional time for a broker to be appointed in case of emergency. Statutory changes have increased the requirements to become a broker, and this additional time will allow newly-appointed brokers more time to meet these requirements.

605:10-7-8.2. Association licensing procedures and requirements of good standing Allowing additional time for a broker to be appointed in case of emergency. Statutory changes have increased the requirements to become a broker, and this additional time will allow newly-appointed brokers more time to meet these requirements.

605:10-9-3.2 Team registration and fees Outlining procedures and setting fee for team registration. Prohibiting certain names from being used

as team names. Statutes have added the regulation of team names for a fee and these rules clarify what the fee will be, the registration process, and what names teams may use.

605:10-9-4. Advertising Adding requirements for all advertising done under a team name. This is due to the new regulation of team names and mirrors how current associates may advertise under our Code & Rules.

CONTACT PERSON:

Charla J. Slabotsky, Executive Director, Oklahoma Real Estate Commission, 1915 North Stiles, Suite 200, Oklahoma City, Oklahoma 73105 405-521-3387

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2017:

SUBCHAPTER 1. GENERAL PROVISIONS

605:10-1-2. Definitions

When used in this Chapter, masculine words shall include the feminine and neuter, and the singular includes the plural. The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Advertising" means all forms of representation, promotion and solicitation disseminated in any manner and by any means of communication, to include social networking, to consumers for any purpose related to licensed real estate activity.

"Bona fide offer" means an offer in writing.

"Branch office" means an extension of a broker's main office location and normally is located at a different location than the main office. A branch office shall not be independently owned by any person other than the applicable broker or entity.

"Branch office broker" means a person who qualified for a broker license and who is designated by a broker manager or proprietor broker to direct and supervise a branch office on behalf of the broker in conformance with Section 858-310 of the Code. A branch office broker is considered an associate of ~~the~~ broker manager or proprietor broker.

"Broker" means a sole proprietor, corporation, managing corporate broker of a corporation, association, managing broker member or manager of an association, partnership, or managing partners of a partnership and shall be one and the same as defined as a broker in Section 858-102 of the Code and whom the Commission shall hold responsible for all actions of associates who are assigned to said broker.

"Code" when used in the rules of this Chapter, means Title 59, Section 858-101 et seq, Oklahoma Statutes as adopted 1974 and amended.

"Entity" means association, corporation and partnership.

"Filed" means the date of the United States postal service postmark or the date personal delivery is made to the Commission office.

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"**Firm**" means a sole proprietor, corporation, association or partnership.

"**Inactive status**" means a period in which a licensee is prohibited from performing activities which require an active license.

"**Nonresident**" means a person who is licensed to practice in this state, however, does not maintain a place of business in this state but maintains a place of business in another state and who periodically comes to this state to operate and perform real estate activities.

"**Previously licensed applicant**" means a person who has been licensed in another state and desires to obtain a resident license in this state.

"**Provisional sales associate**" shall be synonymous in meaning with sales associate except where it is specifically addressed in Subchapters 3, 5 and 7 of this Chapter.

"**Rents**" or "**leases real estate**" as referenced in Title 59, Section 858-102, subparagraph 2, means the licensed activities provided by a broker through a property management agreement with a party for a fee, commission or other valuable consideration, or with the intention or expectation of receiving or collecting a fee, commission or other valuable consideration. Licensed property management activities may include, but shall not be limited to, showing real property for rent or lease; soliciting tenants and landlords; negotiating on behalf of the tenant or landlord; and complying with and maintaining the property in accordance with Title 41, Oklahoma Statutes, Non-Residential/Residential Landlord and Tenant Acts.

"**Resident**" means a person who is licensed in this state and operates from a place of business in this state.

"**Sole proprietor**" means a broker who is the sole owner of a real estate business.

"**Team name**" means a name used by a team as defined in Section 858-305 of the Code. All team names must be approved by the broker and must be registered with the Commission.

"**Trade name**" means the name a firm is to be known as and which is used in advertising by the firm to promote and generate publicity for the firm. A firm may or may not do business in the name under which their license is issued but must register with the Commission all trade names used by the firm.

SUBCHAPTER 3. EDUCATION AND EXAMINATION REQUIREMENTS

605:10-3-1. Prelicense education requirements

(a) **Subject Content.** On and after July 1, 1993, as evidence of an applicant's having satisfactorily completed those education requirements as set forth in Sections 858-302 and 858-303 of the Code, each applicant for licensure shall present with his or her application a certification showing successful completion of the applicable course of study approved by the Commission as follows:

(1) To qualify an applicant for examination and licensure as a provisional sales associate, the course shall consist of at least ninety (90) clock hours of instruction or its equivalent as determined by the Commission. In order

for a provisional sales associate to obtain a sales associate license, the provisional sales associate must, following issuance of a provisional license, complete additional education as required in Section 858-302 of the Code. The pre-license course of study shall be referred to as the Basic Course of Real Estate, Part I of II and shall encompass the following areas of study:

- (A) Real Estate Economics and Marketing
- (B) Nature of Real Estate
- (C) Rights and Interest in Real Estate
- (D) Legal Descriptions
- (E) Title Search, Encumbrances, and Land Use Control
- (F) Transfer of Rights
- (G) Service Contracts
- (H) Estimating Transaction Expenses
- (I) Value and Appraisal
- (J) Marketing Activities
- (K) Fair Housing
- (L) Contract Law Overview
- (M) Contract Law and Performance
- (N) Offers and Purchase Contracts
- (O) Financing Real Estate
- (P) Closing a Transaction
- (Q) Regulations Affecting Real Estate
- (R) Disclosures and Environmental Issues
- (S) Property Management and Leasing
- (T) Risk Management
- (U) Professional Standards of Conduct
- (V) Law of Agency

(2) To qualify an applicant for examination and licensure as a broker or a broker associate, the course shall consist of at least ninety (90) clock hours of instruction or its equivalent as determined by the Commission. Such course of study shall be referred to as the Advanced Course in Real Estate and shall encompass the following areas of study:

- (A) Laws and Rules Affecting Real Estate Practice
- (B) Broker Supervision
- (C) Establishing a Real Estate Office
- (D) Professional Development
- (E) Business, Financial, and Brokerage Management
- (F) Oklahoma Broker Relationships
- (G) Anti-Trust and Deceptive Trade
- (H) Risk Management and Insurance
- (I) Mandated Disclosures, Hazards, and Zoning
- (J) Real Estate Financing
- (K) Specialized Property Operations and Specialty Areas
- (L) Trust Accounts and Trust Funds
- (M) Closing a Real Estate Transaction
- (N) Closing Statements
- (O) Professional Standards of Conduct
- (P) Property Ownership
- (Q) Land Use Controls and Regulations
- (R) Valuation and Market Analysis
- (T) Contracts

- (U) Transfer of Property
 - (V) Practice of Real Estate
 - (W) Real Estate Calculations
- (b) **Equivalent Course Content.** As evidence of an applicant's having successfully completed those education requirements as set forth in Section 858-304 of the Code, each applicant shall present a certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another jurisdiction.
- (1) The basic course of real estate shall be limited to Basic Real Estate Principles and Practices; provided, however, that a course or combination of courses not so titled may be accepted if the course content has been determined by the Commission to be equivalent as one and the same as enumerated in this Section.
 - (2) The advanced course of real estate shall be limited to Advanced Real Estate Principles and Practices; provided that a course or combination of courses not so titled may be accepted if the course content has been determined by the Commission to be equivalent as one and the same as that enumerated in this Section.
 - (3) The Commission shall accept in lieu of a certified transcript a course completion certificate as prescribed by the Commission.
- (c) **Entities allowed to seek approval.** The education courses required of this Section shall be satisfied by courses approved by the Commission and offered by:
- (1) The Commission
 - (2) An area vocational-technical school
 - (3) A college or university
 - (4) A private school
 - (5) The Oklahoma Association of Realtors, the National Association of Realtors, or any affiliate thereof,
 - (6) The Oklahoma Bar Association, American Bar Association, or any affiliate thereof; or
 - (7) An education provider.
- (d) **Attendance and successful completion required for in-class credit.** To complete any in-class offering, a person must physically be present during all of the offering time and successfully complete all course requirements to include an examination.
- (e) **Successful completion of materials and examination required for distance education credit.** To complete a distance education course offering, a person must successfully complete all course requirements to include all modules and an examination.

605:10-3-2. Application for license

- (a) **Requirements for completing application.**
- (1) Any person seeking a real estate license shall make application for such license on a form provided by the Commission. The form shall contain, but not be limited to, the following:
 - (A) Legal name to include first, middle and last name.
 - (B) Routine biographical information.
 - (C) License history in Oklahoma and other states.

- (D) Criminal and/or civil charges or convictions, including bankruptcy and judgments.
 - (E) Compliance with Title 59 O.S. 858.301.1 regarding felony convictions.
 - (F) Recent photograph.
 - (G) Birth date.
 - (H) Evidence of successful completion of course requirement as specified in the "Code".
 - ~~(I)~~ (I) If applicable, evidence of transaction experience as specified in the "Code."
 - ~~(J)~~ (J) If applicable, evidence of successful completion of the Broker in Charge course.
 - ~~(K)~~ A sworn statement as to accuracy of the application information.
 - ~~(L)~~ Documentation required for compliance necessary to verify citizenship, qualified alien status, and eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
 - ~~(M)~~ Social security number, pursuant to Title 56, Oklahoma Statutes, Section 240.21A.
 - ~~(N)~~ Submit to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes. A fee amount, not to exceed sixty dollars (\$60.00), shall be sent to the Commission to begin the process of the national criminal history check.
 - (i) A completed national criminal history record check, completed for the Commission, shall be valid for six (6) months from the date of issuance from the issuing authority.
 - (ii) In the event an applicant is not physically able to submit to finger printing, other applicant identifiers shall be utilized, i.e., name, birth date and social security number.
- (2) An applicant indicating a bankruptcy or judgment, criminal and/or civil charges or convictions on the application, must submit with the application official documents to the Commission which pertain to the disposition of the matter. If official documents are unable to be obtained, a detailed letter explaining the matter(s) must be attached to the application.
- (b) **Applicant shall appear for examination.** Each applicant shall appear for an examination as soon as possible subsequent to the filing of an approved application or the signing of a form as required in 605:10-3-3.
- (c) **Applicant must be of good moral character.** The application submitted by an individual seeking a license must indicate that the applicant possesses a reputation for honesty, truthfulness, trustworthiness, good moral character, and that he or she bears a good reputation for fair dealing.
- (d) **Determining good moral character.** In determining whether or not an applicant meets the definition of good moral character, the Commission will consider, but not be limited to, the following:
 - (1) Whether the probation period given in a conviction or deferred sentence has been completed and fully satisfied to include fines, court costs, etc.

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(2) Whether the restitution ordered by a court in a criminal conviction or civil judgement has been fully satisfied.

(3) Whether a bankruptcy that is real estate related has been discharged.

(4) Whether an applicant has been denied licensure or a license has been suspended or revoked by this or any other state or jurisdiction to practice or conduct any regulated profession, business or vocation because of any conduct or practices which would have warranted a like result under the Oklahoma "Code".

(5) Whether an applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for revocation or suspension under the current Oklahoma "Code" had the applicant been licensed.

(e) **Subsequent good conduct.** If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it shall appear to the Commission that the interest of the public will not likely be in danger by the granting of such license, the Commission may approve the applicant as relates to good moral character.

605:10-3-4. Broker applicant; experience

(a) No individual shall be licensed as a real estate broker unless in addition to the other requirements in the Code, he or she has served two (2) years, or its equivalent, as a licensed real estate ~~provisional sales associate and/or sales associate and/or broker associate~~, with and under the instructions and guidance of a licensed real estate broker of this state or any other state at least twenty-four (24) months within the five (5) year period immediately prior to the filing of his or her application for license as a real estate broker in Oklahoma. Additionally, no individual shall be licensed as a real estate broker unless he or she can provide documentation verifying ten real estate transactions as defined in Section 858-351 of the Code within the past five years, or the equivalent thereof, as determined by the Commission. Such documentation shall be demonstrated on forms developed by the Commission.

(b) An application submitted for the purpose of seeking a license to function as a real estate broker shall not be accepted for filing by the Commission unless such applicant has completed the two (2) year ~~apprenticeship~~ licensure requirement on or before the date such application is submitted.

605:10-3-4.1. Broker associate applicant; experience

(a) No individual shall be licensed as a real estate broker associate unless in addition to the other requirements in the Code, he or she has served two years, or its equivalent, as a licensed real estate provisional sales associate and/or sales associate, with and under the instructions and guidance of a licensed real estate broker of this state or any other state at least twenty-four (24) months within the five (5) year period immediately prior to the filing of his or her application for license as a real estate broker associate in Oklahoma.

(b) An application submitted for the purpose of seeking a license to function as a real estate broker associate shall not be accepted for filing by the Commission until such applicant has

completed the two (2) year licensure requirement on or before the date such application is submitted.

605:10-3-6. Continuing education requirement

(a) **Definition.** Continuing education shall be defined as any real estate oriented education course or equivalent, hereinafter called offering(s) intended:

- (1) To improve the knowledge of licensees.
- (2) To keep licensees abreast of changing real estate practices and laws.
- (3) To help licensees meet the statutory requirements for license renewal.

(b) **Purpose.** The purpose of continuing education is to provide an educational program through which real estate licensees can continually become more competent and remain qualified to engage in real estate activities for which they are licensed. Such activities involve facts and concepts about which licensees must be knowledgeable in order to safely and confidently conduct real estate negotiations and transactions in the public's best interest.

(c) **Goals.** The goals of continuing education are:

- (1) To provide licensees with opportunity for obtaining necessary current information and knowledge which will enable them to conduct real estate negotiations and transactions in a legal and professional manner in order to better protect public interest.
- (2) To assure that the licensees are provided with current information regarding new and/or changing laws and regulations which affect the real estate business.
- (3) To ensure that the consumers interest is protected from unknowledgeable licensees.

(d) **Objectives.** The objectives of continued education are as follows:

- (1) For licensees to expand and enhance their knowledge and expertise so as to be continually effective, competent, and ethical as they practice real estate.
- (2) For licensees to review and update their knowledge of federal, state and local laws and regulations which affect real estate practices.

(e) **Entities allowed to seek approval.** The Commission may approve and/or accept any offering provided by an entity which meets the purposes, goals, and objectives of the continuing education requirement. The Commission may accept the following offerings as proof of meeting the continuing education requirement:

- (1) Any offering which is approved and presented by those entities enumerated in paragraph B, of 858- 307.2 of the "Code".
- (2) Any offering in real estate, or directly related area, approved and/or accepted by the real estate regulatory agency in another state; provided such offering is not excluded elsewhere in this Chapter.
- (3) Any offering in real estate, or directly related area, not accepted in paragraphs (1) or (2) of this subsection, which can be determined by the Commission to be in compliance with the intent of the rules of this Chapter.
- (4) Completion of an approved ninety (90) hour pre-license broker course or an approved forty-five (45) hour

provisional sales associate postlicense course, or its respective equivalent as determined by the Commission shall suffice for 21-hours of continuing education credit for a licensee. An individual segment of an approved prelicense broker course or an approved provisional sales associate postlicense course shall suffice for continuing education credit provided such individual segment has also been separately approved for continuing education credit.

(f) Ineligible courses.

(1) The following offerings will not be considered by the Commission to meet continuing education requirements:

- (A) General training or education not directly related to real estate or real estate practices.
- (B) Offerings in mechanical office and business skills such as typing, speed reading, memory improvement, report writing, and personal motivation that is not directly related to real estate.
- (C) Sales promotion or other meetings held in conjunction with the general real estate brokerage business.
- (D) Meetings which are a normal part of in-house training.
- (E) That portion of any offering devoted to breakfast, luncheon, dinner, or other refreshments.
- (F) Prelicense general training and education to obtain a provisional sales associate or sales associate license or license examination refresher courses for provisional sales associate/sales associate or broker.

(2) The list in (1) of this subsection does not limit the Commission's authority to disapprove any offering which fails to meet the adopted purposes, goals and objectives.

(g) List of approved entities. The Commission shall maintain a list of approved entities.

(h) Licensee responsible for notification to Commission. Each licensee shall be ultimately responsible to the Commission to furnish evidence of having successfully completed the continuing education requirements for license renewal, activation, or reinstatement, as set forth elsewhere in this Chapter. Each licensee shall present to the Commission evidence of completion of a minimum of twenty-one (21) clock hours of continuing education offerings acceptable by the Commission. As evidence of having completed the requirement each licensee shall present:

- (1) A certificate, and/or documents, statements and forms, as may reasonably be required by the Commission, or
- (2) A certified transcript; provided, however, if such offering is taken as an accredited C.E.U. (Continuing Education Unit) a certificate may be accepted in lieu of the transcript.

(i) Attendance and successful completion required for in-class credit. To complete any in-class offering, a person must physically be present during all of the offering time and successfully complete all course requirements.

(j) Successful completion of materials and examination required for distance education credit. To complete a distance education course offering, a person must successfully complete all course requirements to include all modules and an examination.

(k) Course limitations.

- (1) A particular course offering may not be taken for continuing education credit more than once from the same entity and/or instructor during a renewal period.
- (2) Educational courses taken for disciplinary reasons shall not count towards the normal continuing education requirements for licensees.

(l) Required number of continuing education hours. The required number of continuing education hours for a licensee shall be as follows:

- (1) As a condition of a license activation or active reinstatement, each license with an expiration date of June 30, 2014 and thereafter, with the exception of those exempt as set out in Title 59, 858-307.2, shall provide evidence of completion of twenty-one (21) clock hours of Commission approved subject matter, or its equivalent, as determined by the Commission. Such hours shall have been taken in the same license term for which the license is to be issued, with the exception of a licensee whose hours were not used in the preceding license term. In that case, the hours taken in the preceding license term shall count towards an applicable license activation or active reinstatement.
- (2) Each licensee shall have completed of said twenty-one (21) clock hours of continuing education six (6) clock hours of required subject matter as directed by the Commission.
- (3) The required subject matter, or its equivalent, as determined by the Commission, shall consist of at least one (1) clock hour in all following subjects each license term: Professional Conduct, Broker Relationships Act, Fair Housing, Contracts and Forms, Code and Rule Updates and Current Issues. The remaining fifteen (15) clock hours may consist of elective subject matter as approved by the Commission.
- (4) Any licensee may complete the Broker in Charge course as approved by the Commission consisting of fifteen (15) clock hours in lieu of the required subject matter.
- (5) ~~Any All Broker Brokers who holds or has held a license type of Broker Manager (BM), Proprietor Broker (BP), or Branch Broker (BB) during any portion of their current license term~~ shall be required to successfully complete the Broker in Charge course as approved by the Commission consisting of fifteen (15) clock hours, or its equivalent, as approved by the Commission. In addition, to complete the continuing education requirement of twenty-one (21) clock hours such broker shall complete at least two (2) of the six (6) required subject matter, equal to at least six (6) clock hours, as referenced in paragraph (3) of this subsection.
- (6) Any broker that lapsed or renewed inactive in their previous license term or current license term who applies for reinstatement or activation ~~and held in their previous or current license term the license type of Broker Manager~~

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~~(BM), Proprietor Broker (BP), or Branch Broker (BB)~~ must complete the Broker in Charge course and two (2) of the six (6) required subject matter equal to at least six (6) hours prior to their license being reinstated active or reactivating.

SUBCHAPTER 7. LICENSING PROCEDURES AND OPTIONS

605:10-7-1. License issuance

No real estate license shall begin operations in the real estate business without first having been issued his or her numbered active license certificate. This include all original licenses, activations, reinstatements and all license types being changed from ~~a sales associate to a broker associate, or an associate to a broker or branch office broker, as defined in the rules.~~

605:10-7-2. License terms and fees; renewals; reinstatements

(a) **License term and fees.** Each original license issued under the Code shall be issued to expire at the end of the thirty-sixth (36) month including the month of issuance. Each original provisional sales associate license issued under the Code shall be issued to expire at the end of the twelfth (12th) month including the month of issuance. Fees are non-refundable and are as follows:

(1) For an original broker license and each subsequent license renewal, to include corporations, associations or partnerships, the fee shall be Two Hundred and Ten Dollars (\$210.00).

(2) For an inactive original broker license and each subsequent inactive license renewal, with the exception of corporations, associations or partnerships, the fee shall be One Hundred and Twenty-five Dollars (\$125.00). In order to activate a license that was renewed inactive in the same license term, the licensee shall pay One Hundred and Thirty Dollars (\$130.00). Thereafter, any future request to activate in the same license term shall be in accordance with Rule 605:10-7-4.

(3) For an original broker associate license and each subsequent license renewal, the fee shall be One Hundred and Eighty Dollars (\$180.00).

(4) For an inactive original broker associate license and each subsequent inactive license renewal, the fee shall be One Hundred and Ten Dollars (\$110.00). In order to activate a license that was renewed inactive in the same license term, the licensee shall pay One Hundred and Fifteen Dollars (\$115.00) Thereafter, any future request to activate in the same license term shall be in accordance with Rule 605:10-7-4.

(35) For an active original sales associate license and each subsequent active license renewal the fee shall be One Hundred and Fifty Dollars (\$150.00).

(46) For an inactive original sales associate license and each subsequent inactive license renewal the fee shall be

Ninety-five Dollars (\$95.00). In order to activate a sales associate license that was renewed inactive in the same license term, the licensee shall pay One Hundred Dollars (\$100.00). Thereafter, any future request to activate in the same license term shall be in accordance with Rule 605:10-7-4.

(57) For an original provisional sales associate license that is non-renewable the fee shall be Seventy Dollars (\$70.00).

(68) For an original branch office license and each subsequent license renewal the fee shall be One Hundred and Twenty-five Dollars (\$125.00).

(79) For each duplicate license or pocket card, where the original is lost or destroyed, and a written request is made, a fee of Seven Dollars and fifty cents (\$7.50) shall be charged.

(810) The Fifteen Dollar (\$15.00) Education and Recovery Fund fee, shall be added and payable with the license fee for an original license and for each subsequent license renewal. Exceptions to this rule are: 1) a provisional sales associate license fee shall be Five Dollars (\$5.00) for their twelve (12) month license term; and, 2) a branch office shall not pay the fee.

(b) **Terms cannot be altered.** Terms shall not be altered except for purposes of general reassignment of terms which might be necessitated for the purpose of maintaining an equitable staggered license term system.

(c) **Expiration date.** The actual expiration date of a license shall be midnight of the last day of the month of the designated license term. A person who allows their license to expire shall be considered an applicant and subject to a national criminal history record check, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

(d) **Late penalty.** All renewals shall be filed on or before midnight of the tenth day of the month in which said license is due to expire, except in the event that date falls on a Saturday, Sunday or holiday; in such case, the next Commission working day shall be considered the due date for all renewals except electronic online renewal wherein this exception would not apply. Any such renewal application filed after such date shall be subject to a late penalty fee of Ten Dollars (\$10.00).

(e) **Actual filing of license renewal.** A license shall lapse and terminate if a renewal application and required fees have not been filed with the Commission by midnight of the date on which the license is due to expire, except in the event that date falls on a Saturday, Sunday or holiday; in such a case, the next Commission working day shall be considered the due date. A renewal application and required fees are considered filed with the Commission on the date of the United States postal service postmark or the date personal delivery is made to the Commission office.

(f) **Reinstatement of license.** Any licensee whose license term has expired shall be considered for reinstatement of same such license upon payment of an amount equal to the current examination fee in addition to the license and late penalty fee(s) for each delinquent license period(s). The following documents and fees must be submitted:

- (1) **Lapsed less than one year.** In the case of a license lapsed less than one year:
 - (A) License and late penalty fee.
 - (B) Reinstatement fee.
 - (C) National criminal history check.
 - (D) Documents as required by the Commission.
- (2) **Lapsed more than one year but less than three years.** In the case of a license lapsed more than one year but less than three years:
 - (A) License and late penalty fee.
 - (B) Reinstatement fee.
 - (C) National criminal history check.
 - (D) A completed reinstatement application.
 - (E) Successful completion of the appropriate licensing examination.
 - (F) A statement that the applicant has read a current License Code and Rules booklet.
 - (G) Documents as required by the Commission.
- (3) **Lapsed more than three years.** If an application is submitted more than three (3) years subsequent to the most recent year of licensure, the applicant shall be regarded as an original applicant.
- (g) **Reinstatement of a provisional sales associate license wherein post-license education was completed prior to license expiration date.** An applicant who successfully completed the post-license education requirement before their first license expiration date and failed to renew their license on or before such date shall be eligible to reinstate the license as a sales associate according to 605:10-7-2 (f), (1) through (3).
- (h) **Reinstatement of a provisional sales associate license wherein post-license education was not completed prior to license expiration date.** An applicant who has not successfully completed the post-license education requirement prior to the first license expiration date shall not be eligible to reinstate such license and shall apply and qualify as an original applicant.
- (i) **Reinstatement of revoked license.** An applicant may not apply for re-license or reinstatement of license for a minimum of three (3) years from the effective date of license revocation, except for an applicant whose license was automatically revoked pursuant to Sections 858-402 or 858-604 of Title 59, Oklahoma Statutes. Upon the passage of the three (3) year period, the applicant shall be required to comply with the requirements of an original applicant.
- (j) **Reinstatement of an automatically revoked license.** An applicant who has had their license automatically revoked, pursuant to Section 858-402 or 858-604 of Title 59 of the Oklahoma Statutes, shall be required to comply with the requirements of (f) of this section. In addition, reinstatement will not be granted until all outstanding amounts due the Commission have been paid in full.
- (k) **Reinstatement of a surrendered or cancelled license.** A surrendered or cancelled license applicant may be reinstated provided the applicant has received approval for re-issuance from the Commission. The following forms and fees must be submitted:
 - (1) **Reinstatement with term of license still current.** A surrendered or cancelled license applicant whose license term is still current:
 - (A) Applicable reinstatement fee equal to the current examination fee.
 - (B) Re-issuance fee equal to the transfer of license fee.
 - (C) Documents as required by the Commission.
 - (D) Criminal history background check.
 - (2) **Reinstatement with term of license expired.** A surrendered or cancelled license applicant whose license term has expired shall be required to comply with the requirements of (f) of this section.
 - (3) **Reinstatement of provisional sales associate with term of license expired.** A surrendered or cancelled provisional sales associate whose license term has expired shall be required to comply with the following:
 - (A) If a provisional sales associate completed the post-license requirement on or before the first license expiration date, the applicant shall be eligible to reinstate the license according to 605:10-7-2 (f), (1) through (2).
 - (B) If a provisional sales associate did not complete the post-license requirement on or before the first license expiration date, the applicant shall be required to apply and qualify as an original applicant.
- (l) **Continuing education requirement.** Each licensee with the exception of those as listed in Title 59, O.S., Section 858-307.2 (D) seeking renewal of a license must submit evidence that they have completed the continuing education requirements enumerated in Section 858-307.2 of Title 59. An applicant seeking active reinstatement of a lapsed license must submit evidence that all continuing education requirements have been completed for each term in which an active license is requested.
- (m) ~~Sales to broker license~~ **License fees prorated.** If a real estate sales associate ~~or provisional sales associate~~ qualifies for a license as a real estate broker ~~associate or broker~~, or if a real estate broker associate qualifies for a license as a real estate broker, the unused license fee shall be credited to the ~~broker~~ new license fee. The unused license fee credit shall commence with the first full month following the month in which the broker license is to be issued.
- (n) **License expires after effective date of national criminal history check.**
 - (1) Any licensee who allows their license to expire shall be required to submit to a national criminal history check; however, such individual shall be allowed to proceed with reinstatement of such license pending receipt by the Commission of a completed fingerprint card, application Part A, and fee as stated elsewhere in these rules for the background search. If, the Commission does not receive a completed Part A of the application and completed fingerprint card and fee within thirty (30) days from the date of request by the Commission, the license will be placed inactive and a hold placed on the license until receipt by the Commission of the aforementioned items. Thereafter, upon receipt by the Commission, the license

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may be reactivated so long as appropriate reactivation forms and fees, as stated elsewhere in these rules, have been received by the Commission. However, if the fingerprint card is rejected for the purposes of a national criminal history check, the Commission will provide written notice to the licensee and the licensee must submit a new and unique fingerprint card to the Commission within thirty (30) days of receipt of such notice or the license will be placed on inactive status.

(2) A provisional sales associate who completes the Provisional Post-License Course prior to their first license expiration date but fails to timely renew the license shall be eligible to apply under the requirement under the preceding paragraph. However, after a period of three (3) years from the date of the license expiration such applicant shall no longer be eligible to apply under this section.

(o) **Issuance of license from provisional sales associate to sales associate.** A provisional sales associate is required to furnish to the Commission evidence of successful completion of the Provisional Post-license Course of Real Estate, Part II of II education requirement as set forth in Section 858-302 of Title 59, of the Oklahoma Statutes. Upon successful completion of the Provisional Post-license Course of Real Estate, Part II of II education requirement, the provisional sales associate must submit the appropriate document(s) to the Commission prior to the provisional sales associate's license expiration date for issuance of a renewable sales associate license. The Commission shall not issue the provisional sales associate a renewable sales associate license until the end of the provisional sales associate's license term and until the provisional sales associate has submitted evidence of successful completion of the forty-five (45) clock hour post-license course requirement and submitted all required form(s) and fee(s) as required by the Commission.

(p) **Active sales associate to inactive broker associate, or sales associate and/or broker associate to inactive broker license - no remaining credit to be given.** In the event an active sales associate, within six (6) months of obtaining their original license, reinstatement or license renewal qualifies for an inactive broker associate license, the Commission shall not credit the difference in license fees. In the event an active sales associate or broker associate within six (6) months of obtaining their original license, reinstatement or license renewal qualifies for an inactive broker license, the Commission shall not credit the difference in the license fees.

(q) **Licensee on active duty as a member of the Armed Forces of the United States.**

(1) In accordance with Title 59, O.S., Section 4100.6 of the Post-Military Service Occupation, Education and Credentialing Act while a license holder is on active duty the license may be renewed without payment of the license and education and recovery fund fee and meeting the continuing education requirement. Such waiver shall be requested in writing to the Commission prior to license expiration along with evidence of the order for active duty. The license issued pursuant to this rule may be continued as long as the licensee is a member of the Armed Forces of the United States on active duty and for a period of at

least one (1) year after discharge from active duty. Upon discharge from active duty and a request for license activation, the licensee shall submit to the Commission evidence of successful completion of the continuing education requirement for the current license renewal term.

(2) If a licensee on active duty does not request such a waiver in writing and the license expires, the applicant may, by written request provide the Commission documentation as required in subparagraph (1) of this subsection; however, no later than one (1) year after discharge from active duty.

(3) In the event a license expires during the events as noted herein, the Commission shall waive the criminal history background check and license examination.

(4) **Member of the National Guard or reserve component of the armed forces.** In accordance with Title 72, Chapter 1, Section 48.2 Extension and Renewal of Professional Licenses, any licensee whose license expires while on active duty as a member of the National Guard or reserve component of the armed forces shall be extended until no later than one (1) year after the member is discharged from active duty status. Upon the Commission receiving a copy of the official orders calling the member or reservist to active duty and official orders discharging the member or reservist from active duty all licensee fee and continuing education shall be waived for this time period as well as the criminal history background check and license examination.

(r) **Reinstatement for corporation, association or partnership.**

(1) A corporation, association or partnership that has lapsed for less than three (3) years that wishes to reinstate must submit:

(A) License and late penalty fees.

(B) Reinstatement forms and documents as required by the Commission.

(C) If the corporation or association has been lapsed for more than sixty (60) days, a current "Certification of Good Standing."

(2) Any corporation, association or partnership that has lapsed for more than three (3) years must submit an original application to be considered for licensure.

(s) **Reinstatement for branch offices.**

(1) A branch office that is lapsed for less than three (3) years that wishes to reinstate must submit:

(A) License fee and late penalty fees.

(B) Reinstatement forms and documents as required by the Commission

(2) Any branch office that has lapsed for more than three (3) years must submit an original application as a new branch office.

605:10-7-4. Request for activation or re-issuance of license

(a) **Requirements.** All requests for activation or re-issuance of a license must be accompanied by the appropriate document(s) and fee of Twenty-five Dollars (\$25.00) as required by the Commission. Upon activation of an inactive

license wherein the licensee paid the reduced inactive license fee rate, the licensee shall be required to pay the remaining active license fee as outlined in 605:10-7-2.

(b) **Multiple change requests on same license.** In the event a licensee's request involves more than one change to the license at the same time, and each individual change requires a separate fee elsewhere in the rules of this Chapter, the Commission shall only require that one fee be charged to reissue the license if the request is done in a timely manner.

(c) **Continuing education and/or experience required for activation.** A licensee requesting activation of a license must have complied with the continuing education requirement as set forth in Section 858-307.2 of Title 59 of the Oklahoma Statutes and rule 605:10-3-6 and, if applicable, the experience requirement as set forth in Section 858-303 of Title 59 of the Oklahoma Statutes and rule 605:10-3-4 and 605:10-3-4.1. Further, upon a licensee's request for activation being completed and processed, the licensee shall then be required to complete the continuing education requirement for the next license term for which the license is to be renewed active or activated.

(d) **Active status requested, however, Commission unable to activate for reasons as stated in statutes elsewhere.** In the event a licensee requests an active original license, subsequent license renewal, or activation to be issued on active status and for reasons beyond the Commission's control the licensee is unable to obtain an active license at that time, the fees as received by the Commission shall be retained and not refunded. Once the licensee corrects the problem with the appropriate regulatory agency and such agency authorizes the issuance of an active license, the Commission will then, upon receipt of an activation fee and required documentation, issue an active license.

605:10-7-7. Branch offices

(a) **Each additional office must be licensed.** If a broker desires to do business from more than one office location, the broker must license each additional office location as a branch office by submitting forms and fees as required by the Commission. The license shall be maintained in the branch office and available upon request.

(b) **Associate's license issued to branch office.** An associate's license shall be issued to and maintained in the office to which the associate is assigned.

(c) **Broker to designate a branch office broker to act.** A broker shall designate a branch office broker, other than himself or herself, to act as broker for each location, to supervise the activities of the branch office. The branch office shall be licensed in conformance with Section 858-310 of the Code. The branch office broker may be designated to perform all duties and sign documents on behalf of the broker with respect to the branch office at the discretion of the broker. Such designation shall be in writing and filed with the Commission. The branch office broker assumes the responsibility in conjunction with the broker, for all associates assigned to the branch office.

(d) **Broker may act as branch office broker; restriction.** A broker may act as the branch office broker if the branch office

is located at the same location as the main office upon the appropriate documents and fees being filed with the Commission.

(e) **Reappointment of branch office broker.** In the event of the death, or disability of the designated branch office broker, and the branch office is to continue business, the main office broker shall appoint a new branch office broker and file the appropriate documents with the Commission within thirty (30) days of the occurrence of the event. In the event of the, retirement or cessation of employment for any reason by the designated branch office broker, and the branch office is to continue business, the main office broker shall appoint a new branch office broker and file the appropriate documents with the Commission within ten (10) days of the occurrence of the event.

(f) **Branch office must utilize the same name or trade name of main office.** A branch office may utilize a trade name which is different than the main office so long as the broker registers the name(s) with the Commission.

605:10-7-8. Corporation licensing procedures and requirements of good standing

(a) **Broker license requirement.** Each corporation who performs activities which require a real estate license pursuant to Title 59, O.S., Section 858-102 of the License "Code" shall apply as a real estate broker. Upon approval by the Commission, the corporation shall be granted a real estate broker license. In order to obtain a license, the corporation shall furnish to the satisfaction of the Commission, but not limited to, the following items:

- (1) Completed application form(s) and required fee(s).
- (2) Verification that the corporation is authorized to transact business as a corporation in the State of Oklahoma and that the corporation is in good standing in the State of Oklahoma.
- (3) Corporation must be in compliance with Title 59, O.S., Section 858-312.1 of the License "Code."
- (4) Corporation must have a managing corporate broker who holds a separate license as a real estate broker.
- (5) The designation of a managing corporate broker shall be established by sworn statement signed by the President of the corporation stating the date and place such action was effected.
- (6) In the event of the death, or disability of the managing corporate broker, the cooperation shall be required to appoint a new managing corporate broker and such notice of change must be filed in the Commission office no later than thirty (30) days of the occurrence of the event. In the event of the, retirement or cessation of employment for any reason of the managing corporate broker, the corporation shall be required to appoint a new managing corporate broker and such notice of change must be filed in the Commission office no later than ~~five~~(5)~~ten~~(10) working days of the occurrence of the event. The notice of change in a managing corporate broker must be accompanied by the appropriate documents as required by the Commission and a Twenty-five Dollar (\$25.00) change of status fee.

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(7) The corporation is to notify the Commission in writing within ten (10) days of the date of a change in corporate officers.

(b) **Corporation and managing corporate broker responsible for acts.** The managing corporate broker in conjunction with the corporation is responsible for all acts of the corporation, including the acts of all associates associated with the corporation.

(c) **Corporation closing requirements or partial ceasing of real estate activities.** When a corporation discontinues a portion of real estate activities or ceases all real estate activities, the corporation is required to comply with the following:

- (1) Immediately notify the Commission.
- (2) Comply with Section 605:10-13-1 (n).

(d) **Group change information.** Under certain circumstances as determined by the Commission, the Commission may place a cap of Seven Hundred Fifty Dollars (\$750.00) on group transactions requesting licenses to be issued. To qualify, such request must be received complete and require no further correspondence and/or documents except for the issuance of the licenses.

605:10-7-8.1. Partnership licensing procedures and requirements of good standing

(a) **Broker license requirement.** Each partnership who performs activities which require a real estate license pursuant to Title 59, O.S., Section 858-102 of the License "Code" shall apply as a real estate broker. Upon approval by the Commission, the partnership shall be granted a real estate broker license. In order to obtain a license, the partnership shall furnish to the satisfaction of the Commission, but not limited to, the following items:

- (1) Completed application form(s) and required fee(s).
- (2) A written statement signed by all partners attesting to the formation of a partnership and that it is in good standing in the State of Oklahoma.
- (3) Partnership must be in compliance with Title 59, O.S., Section 858-312.1 of the License "Code."
- (4) Partnership must have a minimum of two managing partners who each hold a separate license as a real estate broker.
- (5) The designation of the managing partners shall be established by sworn statement signed by the managing partners of the partnership stating the date and place such action was effected.
- (6) In the event of the death or disability of the managing partner(s), the partnership is dissolved unless the partnership agreement provides otherwise. If the partnership agreement provides for the continuation of the partnership after the loss of a partner, the partnership shall be required to appoint a new managing partner and such notice of change must be filed in the Commission office no later than thirty (30) working days of the occurrence of the event. In the event of the retirement or cessation of employment for any reason of the managing partner(s), the partnership is dissolved unless the partnership agreement provides otherwise. If the partnership agreement provides for the continuation of the partnership after the loss of

a partner, the partnership shall be required to appoint a new managing partner and such notice of change must be filed in the Commission office no later than ~~five ten (5)(10)~~ ten (10) working days of the occurrence of the event. The notice of change in managing partners must be accompanied by the appropriate documents as required by the Commission and a Twenty-five Dollar (\$25.00) change of status fee.

(b) **Partnership and managing partners responsible for acts.** The managing partners in conjunction with the partnership are responsible for all acts of the partnership, including the acts of all associates associated with the partnership. If a corporation or association is a partner of the partnership a letter must be submitted by the firm acknowledging that the managing member of the association or managing broker of the corporation is responsible for all acts of the partnership, including the acts of all associates associated with the partnership.

(c) **Partnership closing requirements or partial ceasing of real estate activities.** When a partnership discontinues a portion of real estate activities or ceases all real estate activities, the partnership is required to comply with the following:

- (1) Immediately notify the Commission.
- (2) Comply with Section 605:10-13-1 (n).

(d) **Group change information.** Under certain circumstances as determined by the Commission, the Commission may place a cap of Seven Hundred Fifty Dollars (\$750.00) on group transactions requesting licenses to be issued. To qualify, such request must be received complete and require no further correspondence and/or documents except for the issuance of the licenses.

605:10-7-8.2. Association licensing procedures and requirements of good standing

(a) **Broker license requirement.** Each association who performs activities which require a real estate license pursuant to Title 59, O.S., Section 858-102 of the License "Code" shall apply as a real estate broker. Upon approval by the Commission, the association shall be granted a real estate broker license. In order to obtain a license, the association shall furnish to the satisfaction of the Commission, but not limited to, the following items:

- (1) Completed application form(s) and required fee(s).
- (2) Verification that the association is authorized to transact business as an association in the State of Oklahoma and that the association is in good standing in the State of Oklahoma.
- (3) Association must be in compliance with Title 59, O.S., Section 858-312.1 of the License "Code".
- (4) Association must have a managing member or manager who holds a separate license as a real estate broker.
- (5) The designation of a managing broker member or manager shall be established by sworn statement signed by an authorized member or manager of the association stating the date and place such action was effected.
- (6) In the event of the death or disability of the managing broker member or manager, the association shall be required to appoint a new managing broker member or manager and such notice of change must be filed in the Commission office no later than thirty (30) working

days of the occurrence of the event. In the event of the retirement or cessation of employment for any reason of the managing broker member or manager, the association shall be required to appoint a new managing broker member or manager and such notice of change must be filed in the Commission office no later than ~~five~~^{ten} ~~(5)~~⁽¹⁰⁾ working days of the occurrence of the event. The notice of change in a managing broker member or manager must be accompanied by the appropriate documents as required by the Commission and a Twenty-five Dollar (\$25.00) change of status fee.

- (b) **Association and managing broker member or manager responsible for acts.** The managing broker member or manager in conjunction with the association is responsible for all acts of the association, including the acts of all associates associated with the association.
- (c) **Association closing requirements or partial ceasing of real estate activities.** When an association discontinues a portion of the real estate activities or ceases all real estate activities, the association is required to comply with the following:
 - (1) Immediately notify the Commission.
 - (2) Comply with Section 605:10-13-1 (n).
- (d) **Limited liability company.** A limited liability company shall be considered as an association.
- (e) **Group change information.** Under certain circumstances as determined by the Commission, the Commission may place a cap of Seven Hundred Fifty Dollars (\$750.00) on group transactions requesting licenses to be issued. To qualify, such request must be received complete and require no further correspondence and/or documents except for the issuance of the licenses.

SUBCHAPTER 9. BROKER'S OPERATIONAL PROCURES

605:10-9-3.2. Team registration and fees

- (a) The broker shall register each team within the brokerage with the Commission on a form prescribed by the Commission. The fee for each team name registration shall be \$100.00.
- (b) Each team name must be approved by the broker and must be unique and not registered to another real estate team within the State of Oklahoma, and must not be identical to any association, corporation or partnership licensed as a real estate entity by the Commission.
- (c) The broker shall not allow any team name identical to an associate's corporation or association formed for the purpose of receiving compensation.
- (d) Each team name must be registered to the Commission prior to the performance of any licensable activities by the team.
- (e) It shall be prohibited for a broker to register any team name that is not being used by a team within their brokerage.
- (f) The broker shall maintain and keep current a list of teams and their respective members, in writing, within the brokerage. Copies of this list shall be made available immediately to the Commission upon request.

(g) The broker shall notify the Commission, in writing, of all deleted or unused team names.

605:10-9-4. Advertising

- (a) **Requirements and prohibitions.**
 - (1) A broker, when advertising, must use their registered business trade name or the name under which the broker is licensed; however, yard signs must also include the broker's office telephone number. A firm shall not register or use a trade name of another licensed firm. In addition, the advertisement must indicate that the party is a real estate broker and not a private party, to include, but not limited to, "agency", "company", "realty", or "real estate", as the case may be. Legal abbreviations following the trade name or name under which the broker is licensed shall be acceptable as long as they are easily identifiable by the public as such.
 - (2) No real estate advertisement shall show only a post office box number, telephone number or street address.
 - (3) A broker, when operating under a franchise name, shall clearly reveal in all office identification and in all advertising other than institutional type advertising designed to promote a common name, the franchise name along with the name of the broker or business trade name as registered with the Commission. A franchise name shall not be the complete business trade name. All institutional type franchise advertising shall indicate that each office is independently owned and operated.
 - (4) A licensee shall not advertise, either personally or through any media, to sell, buy, exchange, rent, or lease property when such advertisement is directed at or referred to persons of a particular race, color, creed, religion, national origin, familial status or handicap. The contents of any advertisement must be confined to information relative to the property itself, and any advertisement which is directed at or referred to persons of any particular race, color, creed, religion, national origin, familial status, age or handicap is prohibited.
 - (5) Any advertising in any media which is misleading or inaccurate in any material fact or in any way misrepresents any property, terms, values, services, or policies is prohibited.
 - (6) A licensee shall not advertise any property for sale, rent, lease, or exchange in any media unless the broker has first secured the permission of the owner or the owner's authorized representative and said permission has a definite date of expiration.
 - (7) Social networking. A licensee who is engaged in licensed activities through social networking mediums must indicate their license status and include their broker's reference as required elsewhere in this rule.
 - (8) A licensee shall not use a yard sign at the licensee's personal residence as a marketing tool, to make it appear the real property is for sale, lease or rent when such is not the case.
 - (9) A broker may, or authorize an associate to, promote a seller incentive with the consent of the seller. The publicity must clearly indicate the incentive is being offered

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by the seller and not by the licensee and that the promotion only applies to a seller's particular property or properties.

(b) **Associates advertising.**

(1) An associate is prohibited from advertising under only the associate's name.

(2) All advertising by an associate must be under the direct supervision of the associate's broker.

(3) In all advertising, the associate must include the name of the associate's broker or the name under which the broker operates, in such a way that the broker's reference is prominent, conspicuous and easily identifiable. If approved by a broker, an associate may include in the advertisement:

(A) The associate's personal insignia of which such approval is to be maintained by the broker and which cannot be construed as that of a firm's name.

(B) The associate's personal nickname or alias which must be registered at the Commission prior to its use and which cannot be construed as that of a firm's name.

(C) An associate's contact information.

~~(D) A team name approved by the broker, as long as the broker's reference is prominent, conspicuous, and easily identifiable, and which cannot be construed as that of a firm's name. The broker's reference must be in close proximity to the team name reference.~~

~~(E)~~ A slogan which cannot be construed as that of a firm's name.

~~(F)~~ A domain/website name that is registered with the broker. Within this domain/website, the broker's reference shall appear on every individual page and/or frame.

(4) An associate's contact information may be added to a yard sign if the yard sign contains the registered name or trade name and office telephone number of the broker so long as it is approved by the broker.

(5) Open house or directional signs used in conjunction with broker's signs do not have to contain the name or trade name of the associate's broker and broker's telephone number.

(c) **Team advertising.**

(1) A team is prohibited from advertising only under the team name.

(2) All advertising by a team must be under the direct supervision of the team's broker.

(3) All team advertising must include the name of the team's broker or the name under which the broker operates, in such a way that the broker's reference is prominent, conspicuous and easily identifiable. If approved by the broker, a team may include in the advertisement:

(A) The team's personal insignia of which such approval is to be maintained by the broker.

(B) The team's contact information.

(C) A team slogan approved by the broker.

(D) A domain/website name that is registered with the broker. Within this domain/website, the broker's reference shall appear on every individual page and/or frame.

~~(ed)~~ **Licensee acting as owner, purchaser or direct employee of owner.**

(1) When a licensee, either active or inactive, is purchasing real estate or is the owner of property that is being sold, exchanged, rented or leased and such is being handled either by the licensee or marketed through a real estate firm, the licensee is required to disclose in writing on all documents that pertain to the transaction and in all advertisements that he or she is licensed. On all purchase or lease contracts the licensee is to include their license number.

(2) A licensee who is not acting in the capacity of a licensee but is engaged in buying, selling, leasing or renting real estate as a direct employee for the owner or as an officer for an entity is not required to indicate in the advertising that he or she is licensed.

[OAR Docket #18-28; filed 1-5-18]

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

1:2015-7C.

THIRD AMENDED EXECUTIVE ORDER 2015-07

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by the Executive Branch Reform Act of 1986, hereby create the Cabinet System. Pursuant to Section 10.3 of Title 74 of the Oklahoma Statutes, it is hereby ordered:

The Cabinet shall be comprised of the following Secretaries:

1. Secretary of Agriculture;
2. Secretary of Commerce and Tourism;
3. Secretary of Energy and Environment;
4. Secretary of Finance, Administration, and Information Technology;
5. Secretary of Health and Human Services;
6. Secretary of the Military;
7. Secretary of Safety and Security;
8. Secretary of Science and Technology;
9. Secretary of State, Education and Workforce Development
10. Secretary of Transportation;
11. Secretary of Veterans Affairs; and
12. Secretary of Native American Affairs.

The **Secretary of Agriculture** shall be responsible for the following executive entities or their successors:

Agriculture, State Board of, and Agriculture, Food and Forestry, Department of
Apiary Committee
Boll Weevil Eradication Organization
Commodity Commissions and entities (Peanut, Oilseed, Sheep and Wool, Sorghum and Wheat)
Conservation Commission, Oklahoma
Emergency Drought Commission
Horse Racing Commission, Oklahoma
Industry Advisory Committee
South Central Interstate Forest Fire Protection Compact and Advisory Committee
Southern Dairy Compact
Standards, Bureau of
Veterinary Medical Examiners, State Board of

The **Secretary of Commerce and Tourism** shall be responsible for the following executive entities or their successors:

1921 Tulsa Race Riot Memorial of Reconciliation Design Committee
African-American Centennial Plaza Design Committee
Alarm and Locksmith Industry Committee
Arts Council, Oklahoma
Commerce, Oklahoma Department of
Employment Security Commission, Oklahoma, and State Advisory Council and Board of Review
Geographic Information Council, State
Greenwood Area Redevelopment Authority
Historic Preservation Review Committee, Oklahoma
Historical Records Advisory Board
Historical Society, Oklahoma
Housing Finance Agency, Oklahoma
Industrial Finance Authority, Oklahoma
J.M. Davis Memorial Commission
Jazz Hall of Fame Board, Oklahoma
Labor Commissioner and Department of Labor
Midwestern Oklahoma Development Authority
Northeast Oklahoma Public Facilities Authority
Office for Minority and Disadvantaged Business Enterprises
Ordinance Works Authority, Oklahoma
Quartz Mountain Arts and Conference Center and Nature Park, Board of Trustees, and Quartz Mountain Arts and Conference Center and Nature Park
Register of Natural Heritage Areas, State
Rural Action Partnership Program
Rural Area Development Task Force
Rural Development, Center for
Sam Noble Museum of Natural History, Oklahoma
Tourism and Recreation Commission, Oklahoma, and Department of Tourism and Recreation
Tourism Promotion Advisory Committee, Oklahoma
Will Rogers Memorial Commission

The **Secretary of State, Education and Workforce Development** shall be responsible for the following executive entities or their successors:

Accrediting Agency, State
Anatomical Board, State
Career and Technology Education, State Board of, and Department of Career and Technology Education
College and University Boards of Regents or Trustees

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Dyslexia Teacher Training Pilot Program Advisory Committee
Education Commission of the States
Educational Quality and Accountability, Office of, and Commission for Educational Quality and Accountability
Education, State Board of, Superintendent of Public Instruction and State Department of Education
Educational Television Authority (OETA), Oklahoma
Governor's Council for Workforce and Economic Development
Municipal Clerks and Treasurers Division of the Oklahoma Career and Technology Education, Advisory Committee to the
Partnership for School Readiness Board, Oklahoma
Physician Manpower Training Commission
Private Vocational Schools, Oklahoma Board of
School and County Funds Management, Commission on
School of Science and Mathematics, Oklahoma Board of Trustees of, and Oklahoma School of Science and Mathematics
State Regents for Higher Education, Oklahoma
Student Loan Authority
Teacher and Leader Effectiveness Commission
Textbook Committee, State
Virtual Charter School Board, Statewide
Access to Justice Commission, Oklahoma
Archives and Records Commission
County Government Personnel Education and Training, Commission on
Election Board, State
Ethics Commission, Oklahoma
Judicial Compensation, Board of
Judicial Complaints, Council on
Judicial Nominating Commission
Library Board, State, and Department of Libraries
Licensed Architects, Landscape Architects and Interior Designers of Oklahoma, Board of Governors of
National Conference of Commissioners on Uniform State Laws
Professional Engineers and Land Surveyors, State Board of Registration for
Professional Responsibility Tribunal
Real Estate Appraiser Board
Real Estate Commission, Oklahoma
Real Estate Contract Form Committee, Oklahoma
Secretary of State
Workers' Compensation, Advisory Council on
Workers' Compensation Commission

The **Secretary of Energy and Environment** shall be responsible for the following executive entities or their successors:

Arkansas River Basin Compact Commission, Arkansas-Oklahoma
Arkansas River Basin Compact and Commission, Kansas-Oklahoma
Canadian River Commission

Central Interstate Low-Level Radioactive Waste Compact and Commission
Climatological Survey
Corporation Commission, Oklahoma
Energy Resources Board, Oklahoma
Energy Initiative and Energy Initiative Board, Oklahoma
Energy Office, Oklahoma State
Environmental Quality Board and Air Quality Advisory Council
Hazardous Materials Emergency Response Commission
Hazardous Waste Management Advisory Council
Radiation Management Advisory Council
Solid Waste Management Advisory Council
Water Quality Management Advisory Council
Department of Environmental Quality
Grand River Dam Authority Board of Directors and Grand River Dam Authority
Geological Survey
Interstate Oil Compact Commission
Liquefied Petroleum Gas (LPG) Board, Oklahoma
Mining Commission, Interstate
Mining Commission, Oklahoma, and Department of Mines
Miner Training Institute, Oklahoma
Municipal Power Authority Board, Oklahoma
Oil and Gas Compact Commission, Interstate
Red River Compact and Commission, Arkansas-Louisiana-Oklahoma-Texas
Southern States Energy Compact and Southern States Energy Board
Storage Tank Advisory Council
Sustaining Oklahoma's Energy Resources, Committee
Water for 2060 Advisory Council
Water Resources Board, Oklahoma
Well Drillers and Pump Installers Advisory Council
Wildlife Conservation Commission and Department of Wildlife Conservation

The **Secretary of Finance, Administration, and Information Technology** shall be responsible for the following executive entities or their successors:

Abstractors Board, Oklahoma
Accountancy Board, Oklahoma
Alternative Fuels Technician Examiners and Board, Oklahoma
Auditor and Inspector, State
Banking Board, State, and State Banking Department
Bipartisan Legislative Apportionment Commission
Bond Advisor, State
Bond Oversight, Council of
Building Bonds Commission
Capital Investment Board, Oklahoma
Capitol-Medical Center Improvement and Zoning Commission
Capitol Preservation Commission, State
Cash Management Oversight Committee
Compensation and Unclassified Positions Review Board, Oklahoma
Construction Industries Board

Consumer Credit Commission and Department of Consumer Credit
 Contingency Review Board
 Development Finance Authority, Oklahoma
 Electronic and Information Technology Accessibility Advisory Council
 Employee Assistance Program, State, and Advisory Council
 Employee Insurance & Benefits Board, Oklahoma
 Equalization, State Board of
 Firefighters Pension and Retirement System and Board
 Home Inspector Examiners, Committee of
 Incentive Approval Committee
 Incentive Awards for State Employees, Committee for
 Insurance Commissioner and State Insurance Department
 Interstate Cooperation, Oklahoma Commission on
 Land Office, Commissioners of the
 Law Enforcement Retirement System and Board, Oklahoma
 Legislative Compensation, Board on
 Life and Health Insurance Guaranty Association and Board of Directors, Oklahoma
 Long-Range Capital Planning Commission
 Lottery Commission and Board of Trustees, Oklahoma
 Management and Enterprise Services, Office of
 Manufactured Home Advisory Committee
 Market Assistance Association and Board of Directors
 Merit Protection Commission
 Motor Vehicle Commission, Oklahoma
 Oversight Committee for State Employee Charitable Contributions
 Pension Commission, Oklahoma State
 Police Pension and Retirement System and Board, Oklahoma
 Program Development and Credit Review Committee
 Public Employees Relations Board
 Public Employees Retirement System and Board, Oklahoma
 Securities Commission, Oklahoma, and Department of Securities
 State Credit Union Board, Oklahoma
 State Governmental Technology Applications Review Board
 Tax Commission, Oklahoma
 Teachers' Retirement System, Board of Trustees of the, and Teachers' Retirement System
 Treasurer, State
 Used Motor Vehicle and Parts Commission, Oklahoma

The **Secretary of Health and Human Services** shall be responsible for the following executive entities or their successors:

Advancement of Wellness Advisory Council
 Agent Orange Outreach Committee
 Alcohol and Drug Counselors, Oklahoma Board of Licensed Alcohol, Drug Abuse and Community Mental Health Planning and Coordination Boards
 Alzheimer's Research Advisory Council
 Athletic Commission, Oklahoma State
 Athletic Trainers Advisory Committee
 Behavioral Health Licensure, Board of
 Blind Vendors, Committee of

Catastrophic Health Emergency Planning Task Force, Oklahoma
 Cerebral Palsy Commission and J.D. McCarty Center for Children with Developmental Disabilities
 Child Abuse Examination, Board of
 Child Abuse Prevention, Office of
 Child Abuse Prevention, Training, and Coordination Council
 Child Death Review Board
 Children and Youth, Oklahoma Commission on
 Chiropractic Examiners, Board of
 Community Hospitals Authority
 Community Social Services Center Authority
 Cosmetology and Barbering, State Board of
 Consumer Advocacy, Office of
 Consumer Protection Licensing Advisory Council
 Dentistry, Board of
 Dietetic Registration, Advisory Committee on
 Developmental Disabilities Council
 Disability Concerns, Governor's Advisory Committee to the Office of, and Office of Disability Concerns
 Early Childhood Intervention, Interagency Coordinating Council for
 Employment of People with Disabilities, Governor's Advisory Committee on
 Faith-based and Community Initiatives
 Food Service Advisory Council
 Funeral Board, Oklahoma
 Group Homes for Persons with Developmental or Physical Disabilities Advisory Board
 Health Care Authority, Oklahoma
 Health Care Information Advisory Committee
 Health, State Board of, and Department of Health
 Home Care and Hospice Advisory Council
 Hospital Advisory Committee, Oklahoma
 Hospital Advisory Council, Oklahoma
 Human Services, Department of
 Infant and Children's Health Advisory Council
 Juvenile Affairs, Board of, and Office of Juvenile Affairs
 Juvenile Justice, State Advisory Group on
 Licensed Social Workers, State Board of
 Long-Term Care Administrators, Oklahoma State Board of Examiners for
 Long-Term Care Facility Advisory Board
 Medical Care for Public Assistance Recipients, Advisory Committee for
 Medical Licensure and Supervision, Board of
 Mental Health and Substance Abuse, Board of, and Department of Mental Health and Substance Abuse
 Mental Health, Interstate Compact on
 Nursing, Board of, and Formulary Advisory Council
 Occupational Therapy Advisory Committee, Oklahoma
 Oklahoma State University Medical Authority
 Optometry, Board of Examiners in
 Osteopathic Examiners, State Board of
 Partnership for Children's Behavioral Health
 Perfusionists, State Board of Examiners of
 Pharmacy, Board of
 Physical Therapy Committee

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Physician's Assistant Advisory Committee
Placement of Children, Interstate Compact on the
Podiatric Medical Examiners, Board of
Post Adjudication Review Advisory Board
Prevention of Adolescent Pregnancy and Sexually Transmitted
Diseases, Interagency Coordinating Council for Coordi-
nation of Efforts for
Psychologists, State Board of Examiners of
Public Guardian, Office of
Registered Electrologists, Advisory Committee of
Rehabilitation Services Commission, Oklahoma
Rehabilitation Services, Department of
Residents and Family State Council
Respiratory Care Advisory Committee
Sanitarian and Environmental Specialist Registration Advisory
Council
Santa Claus Commission
Self-Directed Services Program Committee
Speech Pathology and Audiology, Board of Examiners for
Statewide Independent Living Council
Suicide Prevention Council, Oklahoma
Tobacco Settlement Endowment Trust Fund Board of Directors
Trauma and Emergency Response Advisory Council
Traumatic Spinal Cord and Traumatic Brain Injury, Advisory
Council on
University Hospitals Authority
Vulnerable Adult Intervention Task Force

The **Secretary of the Military** shall be responsible for the following executive entities or their successors:

Adjutant General, State
Military Department, Oklahoma

The **Secretary of Safety and Security** shall be responsible for the following executive entities or their successors:

Adult Offender Supervision, Oklahoma State Council for Inter-
state
Alcohol and Drug Influence, Board of Tests for
Alcoholic Beverage Laws Enforcement
Attorney General, Oklahoma
Bureau of Investigation Commission, Oklahoma State, and Ok-
lahoma State Bureau of Investigation
Bureau of Narcotics and Dangerous Drugs Control Commis-
sion, Oklahoma State, and Oklahoma State Bureau of
Narcotics and Dangerous Drugs Control
Chief Medical Examiner, Office of, and Board of Medicolegal
Investigations
Corrections, Department of, and Board of Corrections
Crime Victims Compensation Board
District Attorneys Council
Domestic Violence Fatality Review Board
Driver License Compact
Driver's License Medical Advisory Committee
Emergency Management, Oklahoma Department of
Homeland Security Director, Office of

Indigent Defense System Board and Appellate Indigent De-
fender System
Law Enforcement Education and Training, Council on
(CLEET), and CLEET Advisory Council
Motorcycle Safety and Education, Committee for
National Crime Prevention and Privacy Compact Council
Nonresident Violator Compact Board of Administrators
Pardon and Parole Board, Oklahoma
Polygraph Examiners Board
Public Safety, Department of
State Fire Marshal Commission, and State Fire Marshal, Office
of
Statewide Nine-One-One Advisory Board

The **Secretary of Science and Technology** shall be responsible for the following executive entities or their succes-
sors:

Center for the Advancement of Science and Technology, Okla-
homa, and Oklahoma Health Research Committee
Experimental Program to Stimulate Competitive Research Ad-
visory Committee
Science and Technology Council
Science and Technology Research and Development Board,
Oklahoma
Space Industry Development Authority, Oklahoma

The **Secretary of Transportation** shall be responsible for the following executive entities or their successors:

Aeronautics Commission
Highway Construction Materials Technician Certification
Board
Port Authorities
Tourism Signage Advisory Task Force, Oklahoma
Transportation Commission and Department of Transportation
Transportation County Advisory Board, Department of
Transportation Tribal Advisory Board, Department of
Turnpike Authority, Oklahoma
Waterways Advisory Board

The **Secretary of Veterans Affairs** shall be responsible for the following executive entities or their successors:

Strategic Military Planning Commission, Oklahoma
Veterans Affairs, Department of
Veterans Commission

The **Secretary of Native American Affairs** shall be responsible for the following executive entities or their succes-
sors:

Native American Cultural and Educational Authority
Native American Liaison, Oklahoma

It shall be the duty of each board, commission, agency or other entity of the executive branch of state government to

facilitate the purposes of this Order and the Executive Branch Reform Act of 1986 and to cooperate fully with designated cabinet secretaries.

The State Chief Information Officer shall remain an appointee of the Governor and an employee of the Office of Management and Enterprise Services pursuant to 62 O.S. §34.11.1. The CIO shall continue to administer the OMES Information Services Division and the statewide plan to reform, streamline, and consolidate the state of Oklahoma's information technology and telecommunications structure, operations, and purchasing procedures in order to reduce the size of government and ensure that essential public services are delivered to Oklahoma taxpayers in the most efficient, cost-effective manner possible. The information technology consolidation has brought positive attention to Oklahoma as a progressive state in the information technology arena and the legislative intent of the consolidation effort remains a priority of this administration.

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, this 3rd day of January, 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #18-1; filed 1-3-18]

1:2017-44A.

AMENDED EXECUTIVE ORDER 2017-44

WHEREAS, the State of Oklahoma is experiencing cold weather after a period of unseasonably mild temperatures, which has resulted in increased demand for liquefied petroleum products, hereinafter referred to as "propane;" and

WHEREAS, distributors of liquefied petroleum products in the State of Oklahoma are experiencing challenges in the implementation of electronic logging devices; and

WHEREAS, the potential for cold weather temperatures over the holidays, may result in increased demand for propane; and

WHEREAS, liquefied petroleum products resource at certain Oklahoma refineries are currently stressed, significantly delaying the delivery of liquefied petroleum products to transportation companies in some instances, thereby forcing transportation companies and retailers to obtain liquefied

petroleum products from other locations in surrounding states; and

WHEREAS, many Oklahoman residents depend on the use of liquefied petroleum products for survival during the winter months; and

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting liquefied petroleum products in our state will ensure adequate supplies of liquefied petroleum products throughout the state, thereby reducing the damaging effects of a potential shortage;

WHEREAS, the U.S. Department of Transportation Federal Motor Carrier Safety Administration issued Regional Declaration of Emergency Under 49 CFR 390.23 on December 30, 2017 which remains in effect until 11:59 PM (ET), January 14, 2018 and includes the state of Oklahoma in its exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs);

NOW, THEREFORE, I, Mary Fallin, Governor, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. § 683.1 *et seq.*, and pursuant to Part 390.23 of Title 49 of the Code of Federal Regulations, hereby declare that because there is a state of emergency existing in the State of Oklahoma due to limited liquefied petroleum products supplies, it is necessary to assist and expedite all efforts of transportation of liquefied petroleum products throughout Oklahoma. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order vehicles used in the support efforts to be exempt from Parts 390 through 399 of Title 49 of the Code of Federal Motor Carrier Safety Regulations.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver's License Standards requirements (49 C.F.R. Part 383), the Minimum Levels of Financial Responsibility for Motor Carrier requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

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

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

Executive Orders

This emergency notice will remain in effect until 11:59 PM (ET), January 14, 2018.

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 5th day of January, 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #18-27; filed 1-5-18]
