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Kevin Stitt, Governor
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Agency	Title	Agency	Title
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Notices of Rulemaking Intent

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

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

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

TITLE 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 11. ADMINISTRATION OF ABSTRACTORS ACT

[OAR Docket #19-868]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Abstract Licenses, Certificates of Authority, and Permits

5:11-3-11. Eligibility [NEW]

SUMMARY:

The proposed revisions to Subchapter 3 addresses the Gubernatorial requirement for specifying disqualifying felony offenses.

AUTHORITY:

Oklahoma Abstractors Board; 1 § 1-22 B. et. seq.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on February 7, 2020 at the following address: Katherine Smith, Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103, or Katherine.Smith@abstract.ok.gov.

PUBLIC HEARING:

A public hearing during the regularly scheduled Board Meeting will be held at 10:00 a.m. on Tuesday, February 18, 2020 at the 421 NW 13th Street, OLERS Conference Room, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:50 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Abstractors Board requests that business entities affected by these proposed rules provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Katherine Smith, at the above addresses, before the close of the comment period on February 7, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by visiting www.abstract.ok.gov or contacting the Oklahoma Abstractors Board, 421 NW 13th St., Suite 180, Oklahoma City, OK 73103,

405-522-5019, Fax 405-522-5503 or via electronic mail to Katherine.smith@abstract.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be viewed by visiting <http://www.abstract.ok.gov>.

CONTACT PERSON:

Katherine Smith, State Administrator of Abstracting, (405) 522-5019, Katherine.Smith@abstract.ok.gov.

[OAR Docket #19-868; filed 11-25-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

[OAR Docket #19-880]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules

35:2-3-2 [AMENDED]

35:2-3-2.1 [AMENDED]

35:2-3-2.3 [AMENDED]

35:2-3-2.4 [AMENDED]

35:2-3-2.5 [AMENDED]

35:2-3-12 [AMENDED]

SUMMARY:

The proposed rule amendments increase certain laboratory fees to cover the Department's costs of labor and testing supplies; reduce certain laboratory fee to reflect reduced cost; modify entities to be charged for certain license; and delete obsolete or unused laboratory testing procedures from the Department's fee schedules.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2) and (20); and 2 O.S. § 14-81 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., January 15, 2020, in the ODAFF Board Room, located at the Oklahoma

Notices of Rulemaking Intent

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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-880; filed 11-25-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS

[OAR Docket #19-890]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

35:10-1-3 [AMENDED]

SUMMARY:

The proposed rule amendments update handbook and publication references.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 14-31 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-890; filed 11-25-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 13. FUEL ALCOHOL

[OAR Docket #19-881]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

35:13-1-1 [AMENDED]

35:13-1-2 [AMENDED]

SUMMARY:

The proposed rule amendments update citations to the Code of Federal Regulations.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 2 O.S. § 11-20 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 10:45 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: kambi.maddy@ag.ok.gov.

[OAR Docket #19-881; filed 11-25-19]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 15. ANIMAL INDUSTRY**

[OAR Docket #19-882]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
35:15-1-2 [AMENDED]
- Subchapter 5. Biological Products and Laboratories
35:15-5-1 [AMENDED]
- Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets
35:15-13-6 [AMENDED]
- Subchapter 15. Equine Infectious Anemia (EIA)
Part 1. General Provisions
35:15-15-4 [AMENDED]
- Part 11. Requirements for Equidae Entering Oklahoma
35:15-15-111 [AMENDED]
35:15-15-113 [REVOKED]
- Subchapter 16. Contagious Equine Metritis
35:15-16-1 [AMENDED]
- Subchapter 22. Swine Pseudorabies and Brucellosis
Part 1. General Provisions
35:15-22-4 [AMENDED]
- Subchapter 34. Feral Swine
35:15-34-2 [AMENDED]
35:15-34-6 [AMENDED]
- Subchapter 35. Garbage Feeding
35:15-35-1 [REVOKED]
35:15-35-2 [REVOKED]
35:15-35-3 [REVOKED]
35:15-35-4 [REVOKED]
- Subchapter 36. Scrapie

- 35:15-36-1 [AMENDED]
- 35:15-36-2 [AMENDED]
- 35:15-36-3 [AMENDED]
- Subchapter 38. Bovine Trichomoniasis
35:15-38-1 [AMENDED]
35:15-38-2 [AMENDED]
- Subchapter 40. Bovine Tuberculosis
Part 1. Definitions
35:15-40-1 [AMENDED]
- Subchapter 44. Farmed Cervidae
35:15-44-3 [AMENDED]
35:15-44-19 [AMENDED]
- Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
Part 7. Interstate Movement Requirements
35:15-47-18 [AMENDED]
- Subchapter 49. Miscellaneous Animal Diseases
35:15-49-7 [NEW]

SUMMARY:

The proposed rule amendments update citations to the Code of Federal Regulations; add and revise definitions; revise rules related to movement and presentation of animals at livestock auction markets; modify requirements for entry of certain animals into the state; revise and create rules related to miscellaneous animal diseases and biological products; modify restrictions on licensing of certain facilities; revoke rules related to garbage feeding of swine; and make grammatical corrections.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 6-1 et seq., 2 O.S. § 6-91 et seq., 2 O.S. § 6-121 et seq., 2 O.S. § 6-131 et seq., 2 O.S. § 6-141 et seq., 2 O.S. § 6-281 et seq., 2 O.S. § 6-501 et seq., 2 O.S. § 6-601 et seq., and 2 O.S. § 9-130 et seq.,

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-882; filed 11-25-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #19-883]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Swine Feeding Operations

35:17-3-10 [AMENDED]

35:17-3-11 [AMENDED]

35:17-3-12 [AMENDED]

35:17-3-13 [AMENDED]

35:17-3-14 [AMENDED]

35:17-3-17 [AMENDED]

35:17-3-30 [AMENDED]

Subchapter 4. Concentrated Animal Feeding Operations

35:17-4-8 [AMENDED]

35:17-4-9 [AMENDED]

35:17-4-10 [AMENDED]

35:17-4-11 [AMENDED]

35:17-4-12 [AMENDED]

35:17-4-13 [AMENDED]

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-3 [AMENDED]

35:17-5-3.2 [NEW]

35:17-5-4 [AMENDED]

35:17-5-5 [AMENDED]

Subchapter 9. Agricultural Compost Facilities

35:17-9-1 [AMENDED]

35:17-9-3 [AMENDED]

SUMMARY:

The proposed rule amendments revise transfer of license requirements; modify requirements of pollution prevention plans; modify requirements for documentation of no hydrologic connection; clarify criteria for certain liners; update language; modify requirements of swine waste management plans; clarify conditions for commencement of construction of certain operation; modify requirements for animal waste management plans; modify requirements of nutrient management plans; provide conditions for cancellation of

poultry feeding operation registration; provide requirements for poultry waste application; and limit application of compost facility rules.

AUTHORITY:

Okl. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. §2A-1 et seq., 2 O.S. §10-2 et seq., 2 O.S. §20-1 et seq., and 2 O.S. § 20-40 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 11:15 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-883; filed 11-25-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 18. CARCASS DISPOSAL

[OAR Docket #19-884]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

35:18-1-1 [NEW]

35:18-1-2 [NEW]

35:18-1-3 [NEW]

35:18-1-4 [NEW]

35:18-1-5 [NEW]

SUMMARY:

The proposed rule amendments are for regulating the disposal of all domestic animal carcasses in Oklahoma pursuant to the provisions of Section 1223 of Title 21 of the Oklahoma Statutes, as amended by SB 546, which became effective November 1, 2019.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. §2A-1 et seq., 2 O.S. §10-2 et seq., 2 O.S. §20-1 et seq., 2 O.S. § 20-40 et seq., and 21 O.S. §1223, as amended by SB 546 (effective November 2, 2019).

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 11:30 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-884; filed 11-25-19]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 30. CONSUMER PROTECTION**

[OAR Docket #19-885]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 13. Imported Fire Ant Quarantine

- 35:30-13-3 [AMENDED]
- Subchapter 17. Combined Pesticide
- Part 6. Pesticidal Product Producing Establishments
- 35:30-17-13 [AMENDED]
- Part 15. Minimum Standards for Termite Work for Existing Structures
- 35:30-17-69.1 [AMENDED]
- 35:30-17-69.2 [AMENDED]
- Part 21. Standards for Disposal of Pesticide and Pesticide Containers
- 35:30-17-89.1 [AMENDED]
- Part 22. Wood Infestation Reports
- 35:30-17-107 [AMENDED]
- Subchapter 25. Seed
- 35:30-25.2 [AMENDED]
- Subchapter 29. Fertilizer
- Part 3. Liquid, Dry, and Anhydrous Ammonia
- 35:30-29-38 [AMENDED]
- Subchapter 37. Nursery Stock Sales
- 35:30-37-12 [AMENDED]

SUMMARY:

The proposed rule amendments modify fire ant quarantine areas; update citations to the Code of Federal Regulations; clarify termite treatment standards; reduce requirements for wood infestation reports; add seed labeling requirements; add minimum safety requirements for valves on anhydrous ammonia nurse tanks; update language; and modify entities to be charged for grower's license.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); State Board of Agriculture; 2 O.S. § 3-81 et seq.; 2 O.S. § 8-1 et seq.; and 2 O.S. § 8-41.1 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-885; filed 11-25-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

[OAR Docket #19-886]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Eggs
35:37-1-2 [AMENDED]
- Subchapter 3. Meat Inspection
Part 1. General Provisions
35:37-3-1 [AMENDED]
35:37-3-3 [AMENDED]
- Subchapter 5. Poultry Products Inspection
Part 1. General Provisions
35:37-5-1 [AMENDED]
35:37-5-2 [AMENDED]
- Subchapter 13. Milk and Milk Products
35:37-13-2 [AMENDED]
- Subchapter 15. Organic Products
35:37-15-2 [AMENDED]

SUMMARY:

The proposed rule amendments update citations to the Code of Federal Regulations and other procedures and regulations.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2), (28) and (34); 2 O.S. 6-181 et seq.; and 2 O.S. § 6-251 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 9:45 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-886; filed 11-25-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

[OAR Docket #19-887]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 21. Oklahoma Healthy Food Financing Program [NEW]
35:40-21-1 [NEW]
35:40-21-2 [NEW]
35:40-21-3 [NEW]
35:40-21-4 [NEW]
35:40-21-5 [NEW]
35:40-21-6 [NEW]
35:40-21-7 [NEW]
35:40-21-8 [NEW]
- Subchapter 23. Made in Oklahoma [NEW]
35:40-23-1 [NEW]
35:40-23-2 [NEW]
35:40-23-3 [NEW]
35:40-23-4 [NEW]
35:40-23-5 [NEW]
35:40-23-6 [NEW]
35:40-23-7 [NEW]
35:40-23-8 [NEW]

SUMMARY:

The proposed rule amendments are proposed to provide financing for food retailers to provide healthy food in underserved communities which primarily serve low or

moderate income communities pursuant to the provisions of Section 5-201 et seq. of Title 2 of the Oklahoma Statutes; and to promote foods and products produced in Oklahoma in a manner consistent with the provisions of Section 5-9 et seq. of Title 2 of the Oklahoma Statutes.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 5-201 et seq., and 2 O.S. §5-9 et seq..

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-887; filed 11-25-19]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM**

[OAR Docket #19-888]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Agriculture Environmental Permitting and AgPDES
- Part 1. General Provisions

35:44-1-3 [AMENDED]

Subchapter 3. Permit Conditions and Requirements

35:44-3-3 [AMENDED]

SUMMARY:

The proposed rule amendments update citations to the Code of Federal Regulations.

AUTHORITY:

Okla. Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); 2 O.S. § 2-18.2; 2 O.S. § 2A-1 et seq.; 2 O.S. § 2A-21 et seq.; 27A O.S. § 1-3-101(D).

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 11:45 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-888; filed 11-25-19]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS**

[OAR Docket #19-889]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Standards of Care

Notices of Rulemaking Intent

35:55-3-1 [AMENDED]

SUMMARY:

The proposed rule amendments update citations to the Code of Federal Regulations.

AUTHORITY:

Oklahoma Const., Art. 6, § 31; State Board of Agriculture; 2 O.S. § 2-4(A)(2); and 4 O.S. § 30.1 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 15, 2020.

PUBLIC HEARING:

A public hearing will be held at 9:15 a.m., January 15, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 15, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: kambi.maddy@ag.ok.gov.

[OAR Docket #19-889; filed 11-25-19]

TITLE 90. COUNCIL OF BOND OVERSIGHT CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #19-871]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

90:1-1-1 [AMENDED]

Subchapter 3. General Operations of the Council

90:1-3-1 [AMENDED]

90:1-3-5 [AMENDED]

90:1-3-7 [AMENDED]

Subchapter 5. Procedures for Adoption, Amendment and Repeal of Rules

90:1-5-1 [AMENDED]

SUMMARY:

The proposed rule amendments replace references to the State Bond Advisor with the amended statutory title of Deputy Treasurer for Debt Management and correct the permanent office address.

AUTHORITY:

Oklahoma Bond Oversight and Reform Act. 62 O.S., Section 695.1 through Section 695.11; Council of Bond Oversight.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 17, 2020 at the following address: 9520 N. May Avenue, Lower Level, Oklahoma City, Oklahoma, 73120 or by email to andrew.messer@treasurer.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:45 a.m. on Thursday, January 30, 2020 in the Board Room of the Oklahoma Finance Authority Office; 9220 N. Kelley Avenue; Oklahoma City, Oklahoma 73131. Anyone who wishes to speak must sign in at the door prior to the start of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Deputy Treasurer for Debt Management requests that business entities affected by these proposed rules provide the Deputy Treasurer for Debt Management, within the comment period (in dollar amounts if possible), information about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrew Messer, at the above addresses, before the close of the comment period on January 17, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Treasurer's Office 9520 N. May Avenue, Lower Level, Oklahoma City, Oklahoma, 73120. The proposed rules are also available on the Council of Bond Oversight's website at <http://www.ok.gov/bondadvisor/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the State Treasurer's Office at the above address.

CONTACT PERSON:

Andrew Messer, Deputy Treasurer for Debt Management, (405) 521-4504, andrew.messer@treasurer.ok.gov.

[OAR Docket #19-871; filed 11-25-19]

**TITLE 90. COUNCIL OF BOND OVERSIGHT
CHAPTER 10. ADMINISTRATION OF THE
OKLAHOMA BOND OVERSIGHT AND
REFORM ACT**

[OAR Docket #19-870]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 90:10-1-1 [AMENDED]
- Subchapter 3. Application Procedure
 - 90:10-3-2 [AMENDED]
 - 90:10-3-3 [AMENDED]
 - 90:10-3-4 [AMENDED]
 - 90:10-3-5 [AMENDED]
 - 90:10-3-7 [AMENDED]
 - 90:10-3-8 [AMENDED]
- Subchapter 5. Fees
 - 90:10-5-1 [AMENDED]
- Subchapter 7. Evaluation Standards and Criteria
 - 90:10-7-5 [AMENDED]
- Subchapter 9. Reporting
 - 90:10-9-1 [AMENDED]
 - 90:10-9-2 [AMENDED]

SUMMARY:

The proposed rule amendments replace references to the State Bond Advisor with the amended statutory title of Deputy Treasurer for Debt Management.

AUTHORITY:

Oklahoma Bond Oversight and Reform Act. 62 O.S., Section 695.7 through Section 695.11; Council of Bond Oversight.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 17, 2020 at the following address: Office of the State Treasurer 9520 N. May Avenue, Lower Level, Oklahoma City, Oklahoma, 73120 or by email to andrew.messer@treasurer.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:45 a.m. on Thursday, January 30, 2020 in the Board Room of the Oklahoma Finance Authorities Office, 9220 N. Kelley Avenue, Oklahoma City, Oklahoma 73131. Anyone who wishes to speak must sign in at the door prior to the start of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Deputy Treasurer for Debt Management requests that business entities affected by these proposed rules provide the Deputy Treasurer for Debt Management, within the comment period (in dollar amounts if possible), information about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrew Messer, at the

above addresses, before the close of the comment period on January 17, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Treasurer's Office, 9520 N. May Avenue, Lower Level, Oklahoma City, Oklahoma, 73120. The proposed rules are also available on the Council of Bond Oversight's website at <http://www.ok.gov/bondadvisor/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the State Treasurer's Office at the above address.

CONTACT PERSON:

Andrew Messer, Deputy Treasurer for Debt Management, (405) 521-4504, andrew.messer@treasurer.ok.gov.

[OAR Docket #19-870; filed 11-25-19]

**TITLE 90. COUNCIL OF BOND OVERSIGHT
CHAPTER 15. ADMINISTRATION OF THE
OKLAHOMA PRIVATE ACTIVITY BOND
ALLOCATION ACT**

[OAR Docket #19-869]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 90:15-1-1 [AMENDED]
 - 90:15-1-2 [AMENDED]
 - 90:15-1-3 [AMENDED]
 - 90:15-1-5 [AMENDED]
- Subchapter 3. General Operations of the State ~~Bond~~ Deputy Treasurer for Debt Management
 - 90:15-3-1 [AMENDED]
 - 90:15-3-2 [AMENDED]
- Subchapter 7. State Ceiling Pools and Allocations to Pools
 - 90:15-7-1 [AMENDED]
- Subchapter 9. Application and Logging Procedures
 - Part 1. Application
 - 90:15-9-1 [AMENDED]
 - 90:15-9-2 [AMENDED]
 - 90:15-9-3 [AMENDED]
 - 90:15-9-4 [AMENDED]
 - 90:15-9-5 [AMENDED]
 - Part 3. Register Logging
 - 90:15-9-7 [AMENDED]
- Subchapter 13. Carryforward Applications
 - 90:15-13-1 [AMENDED]
- Subchapter 15. Mortgage Credit Certificate Programs
 - 90:15-15-1 [AMENDED]

SUMMARY:

The proposed rule amendments replace references to the State Bond Advisor with the amended statutory title of Deputy Treasurer for Debt Management.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma Bond Oversight and Reform Act. 62 O.S., Section 695.7 through Section 695.11 and Oklahoma Private Activity Bond Allocation Act. 62 O.S. Section 695.19 through Section 695.26; Council of Bond Oversight.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 17, 2020 at the following address: Office of the State Treasurer 9520 N. May Avenue, Lower Level, Oklahoma City, Oklahoma, 73120 or by email to andrew.messer@treasurer.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 9:45 a.m. on Thursday, January 30, 2020 in the Board Room of the Oklahoma Finance Authorities Office, 9220 N. Kelley Avenue, Oklahoma City, Oklahoma 73131. Anyone who wishes to speak must sign in at the door prior to the start of the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Deputy Treasurer for Debt Management requests that business entities affected by these proposed rules provide the Deputy Treasurer for Debt Management, within the comment period (in dollar amounts if possible), information about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Andrew Messer, at the above addresses, before the close of the comment period on January 17, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Treasurer's Office, 9520 N. May Avenue, Lower Level, Oklahoma City, Oklahoma, 73120. The proposed rules are also available on the Council of Bond Oversight's website at <http://www.ok.gov/bondadvisor/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and may be obtained from the State Treasurer's Office at the above address.

CONTACT PERSON:

Andrew Messer, Deputy Treasurer for Policy and Debt Management, (405) 521-4504, andrew.messer@treasurer.ok.gov.

[OAR Docket #19-869; filed 11-25-19]

TITLE 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION CHAPTER 10. ZONING REGULATIONS FOR CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICT

[OAR Docket #19-864]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Zoning Regulations for Capitol-Medical Center Improvement and Zoning District [AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to revoke the district zoning map that is currently in the rules; and adopt the most current district zoning map as approved by the Capitol-Medical Center Improvement and Zoning Commission.

AUTHORITY:

73 O.S. §83.4; Capitol-Medical Center Improvement and Zoning Commission.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from December 17, 2019 through 5 p.m. Friday, January 24, 2020.

PUBLIC HEARING:

A public hearing has been scheduled for 1:30 p.m., January 24, 2020 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning December 31, 2019.

CONTACT PERSON:

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

[OAR Docket #19-864; filed 11-22-19]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD**

[OAR Docket #19-851]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Operation and Procedures

158:1-3-10 [AMENDED]

158:1-3-13 [AMENDED]

SUMMARY:

The proposed amendments to 158:1-3-10 clarify licensure or endorsement related to military service and military spouse applicant equivalency and provides a fee waiver for active duty military and their spouses related to SB670. The proposed amendments for 158:1-3-13 allow for a one time low-income fee waiver related to HB2933.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/ Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #19-851; filed 11-22-19]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 30. PLUMBING INDUSTRY REGULATIONS**

[OAR Docket #19-852]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:30-1-2 [AMENDED]

158:30-1-3 [AMENDED]

Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name

158:30-5-1 [AMENDED]

158:30-5-2 [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses

158:30-9-1.1 [AMENDED]

158:30-9-2 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:30-11-2 [AMENDED]

SUMMARY:

The proposed amendment to 158:30-1-2 adds two definitions for clarification; the proposed amendment to 158:30-1-3 adds clarification to the rule regarding the role of a plumbing contractor or journeyman. The proposed

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amendment to 158:30-5-1 clarifies apprentice plumber registration and journeyman plumber license information and the proposed amendment to 158:30-5-2 provides clarification related to the process for surety bonds. Proposed amendments to 158:30-9-1 are related to SB670 and provide a fee waiver for active military and their spouses and amendments to 158:30-9-2 provides a one-time low income fee waiver related to HB2933. The proposed amendment to 158:30-11-2 provides further clarification for the public.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1002

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #19-852; filed 11-22-19]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS

[OAR Docket #19-853]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:40-1-2 [AMENDED]

Subchapter 5. Licensing Requirements, Display of License, and Firm Name, and Bond Requirements

158:40-5-3.1 [NEW]

Subchapter 7. License Classifications

158:40-7-4 [AMENDED]

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals

158:40-9-2.1 [AMENDED]

158:40-9-3 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:40-11-2 [AMENDED]

SUMMARY:

The proposed amendments to 158:40-1-2 are to clean up definitions and provide the public better clarity. The addition of 158:40-5-3.1 is due to HB1373. The proposed amendments to 158:40-7-4 are to clarify qualifications of a limited electrical contractor. The proposed amendments to 158:40-9-2.1 are related to SB670 and provide a fee waiver for active military and their spouses and the proposed amendment to 158:40-9-3 provides a one-time low income fee waiver related to HB2933. The proposed amendments to 158:40-11-2 provides further clarification to the public

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1681

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make

comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #19-853; filed 11-22-19]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

[OAR Docket #19-854]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:50-1-2 [AMENDED]

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name

158:50-5-1 [AMENDED]

158:50-5-2 [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1 [AMENDED]

158:50-9-1.1 [AMENDED]

158:50-9-2 [AMENDED]

158:50-9-7 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:50-11-2 [AMENDED]

SUMMARY:

The proposed amendments to 158:50-1-2 add definitions related to a new category license type. There is no new fee. There is no additional licensing. Currently, fueled hearth product work requires a license. By separating fueled hearth product work into its own category license type, specialty workers on fireplaces would be able to take a smaller examination over only the fueled hearth product work instead of the larger examination over all the subjects of the HVAC/R license that would make it easier for fireplace workers to obtain licensing and protect the health, safety, and welfare of the public. HVAC/R licensees would continue to be able to perform the same work. The proposed amendment to 158:50-5-1 adds a license category related to fueled hearth product work. The proposed amendments 158:50-5-2 provide a description of the added license category and requirements. The proposed amendment to 158:50-9-1 is related to proof of examination related to the new license category. The proposed amendments to 158:50-9-1.1 are related to SB670 and provide a fee waiver for active duty military and their spouses and the proposed amendment to 158:50-9-2 provides a one-time low income fee waiver related to HB2933. The proposed amendments to 158:50-9-7 provide continuing education

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requirements for the new category license type. The proposed amendment to 158:50-11-2 provides further clarification to the public.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1850.3

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday,

February 12, 2020, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #19-854; filed 11-22-19]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 60. INSPECTORS REGULATIONS

[OAR Docket #19-855]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:60-1-2 [AMENDED]

Subchapter 3. Procedures of the Committee

158:60-3-1 [AMENDED]

158:60-3-2 [AMENDED]

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification and Continuing Education for Inspectors, and Continuing Education Courses

158:60-5-1 [AMENDED]

158:60-5-2 [AMENDED]

158:60-5-2.1 [AMENDED]

158:60-5-3 [AMENDED]

158:60-5-3.1 [AMENDED]

158:60-5-4 [AMENDED]

158:60-5-5 [AMENDED]

Subchapter 9. Duration of Licenses

158:60-9-3 [AMENDED]

SUMMARY:

The proposed amendments to 158:60-1-2 are for the purpose adding a new definition and changes due to SB733 and format cleaning of other definitions for consistency. The proposed amendments to 158:60-3-1 are formatting cleanup for consistency. The proposed amendments to 158:60-3-2 add language to clarify the complaint process for the benefit of the public. The proposed amendments to 158:60-5-1 change provisional licenses from 2 years to 1 year and the proposed amendments to 158:60-5-2 are as a result of SB733. The proposed amendments to 158:60-5-2.1 are related to SB670 and provide a fee waiver for active duty military and their spouses. The proposed amendments to 158:60-5-3 and 158:60-5-3.1 are as a result of SB733 as well as formatting cleanup. The proposed amendments to 158:60-5-4 include formatting cleanup as well as provides a one-time low income fee waiver as a result of HB2933. The proposed amendments

to 158:60-5-5 are related to formatting cleanup. The proposed amendments to 158:60-9-3 are a result of SB733 and HB2088.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1032.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries

Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #19-855; filed 11-22-19]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 70. HOME INSPECTION INDUSTRY REGULATIONS**

[OAR Docket #19-856]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:70-1-3 [AMENDED]

Subchapter 5. License Requirements, License Fees, License Period, Re-Examination, Display and Insurance

158:70-5-2 [AMENDED]

Subchapter 9. Examination Applications, Examinations, Course Approval Requirements, Instructor Requirements, Continuing Education, Denied Application Appeal, Submission of Records, Substantial Compliance and Reciprocity

158:70-9-1 [AMENDED]

158:70-9-1.1 [AMENDED]

Subchapter 11. License Revocation and Suspension and Additional Prohibited Acts

158:70-11-2 [AMENDED]

SUMMARY:

The proposed amendments to 158:70-1-3 are to clarify the standards of practice for home inspectors. The proposed amendments to 158:70-5-2 are for clarification and also to provide a one-time low income fee waiver related to HB2933. The proposed amendment to 158:70-9-1 is a result of HB1373. The proposed amendments to 158:70-9-1.1 are related to SB670 and provide a fee waiver for active duty military and their spouses. The proposed amendments to 158:70-11-2 are for clarification and also include an ethical provision.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-625, 858-627, 1000.4, and 1000.5

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction

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Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #19-856; filed 11-22-19]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS

[OAR Docket #19-857]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Registration and Endorsement Application and Renewal Requirements, Procedures, Fees, Duration, Military and Reciprocity

158:85-2-5 [AMENDED]

158:85-2-7 [AMENDED]

Subchapter 5. Registration and Endorsement Requirements and Limitations, Display of Registration Number, Endorsement, Firm Name and Contact Information, Exclusions

158:85-5-3 [AMENDED]

158:85-5-4 [AMENDED]

SUMMARY:

The proposed amendments to 158:85-2-5 provide a one-time low income fee waiver related to HB2933. The proposed amendments to 158:85-2-7 are related to SB670 and provide a fee waiver for active duty military and their spouses. The proposed amendments to 158:85-5-3 clarify the rule related to truthfully disclosed convictions. There is no prohibition for felonies. The proposed amendments to 158:85-5-4 provides clarification.

AUTHORITY:

Construction Industries Board; 1000.4, 1000.5, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2020, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 29, 2020, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative

fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 17, 2020, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 31, 2019, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Stephanie Brown, Board Secretary/Executive Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 29, 2020, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 29, 2020, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 12, 2020, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #19-857; filed 11-22-19]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 25. FINANCE**

[OAR Docket #19-893]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Funding Criteria
210:25-3-4. Personnel [AMENDED]

SUMMARY:

The rule that details requirements for the employment of certified teachers by public schools, and conditions that apply to the accrual of teaching experience for certified educators, is being amended to address the effect of Workers' Compensation status on a teacher's accrual of experience. The proposed new provisions in the Personnel rule will allow a teacher who receives temporary total disability benefits while employed by a public school to have time spent on Workers'

Compensation included in the calculation of their cumulative teaching experience. The proposed authorization for periods of temporary total disability during school employment to apply toward teaching experience parallels the process through which the Oklahoma Teacher Retirement System (OTRS) authorizes Workers' Compensation to apply toward years of experience for retirement purposes.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2019 until 4:30 p.m. on Friday, January 17, 2020.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. 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."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, January 17, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. 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 of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard,

Notices of Rulemaking Intent

Oklahoma City, Oklahoma 73105-4599. Telephone number:
(405) 522-5260

[OAR Docket #19-893; filed 11-25-19]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #19-894]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 23. Honor Societies

210:35-23-2. Oklahoma middle, junior high, or high school
Honor Society [AMENDED]

SUMMARY:

The rule that authorizes public schools to organize Honor Societies and lays out requirements for student eligibility is being amended to provide further guidance to schools. A proposed provision is being added to clarify that a school may establish a policy for determining the top ten percent (10%) of enrolled students eligible for Honor Society membership in the event of a tie in Grade Point Average (GPA). The proposed amendment also provides that in the event of a tie in the top 10% of students as ranked by GPA in a school that has not established a "tiebreaker" policy, all students tied for the eligible GPA shall be nominated for membership.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 16, 2019 until 4:30 p.m. on Friday, January 17, 2020.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. 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."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, January 17, 2020, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. 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 of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #19-894; filed 11-25-19]

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

[OAR Docket #19-865]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

245:2-1-10 [AMENDED]

245:2-1-18 [AMENDED]

245:2-1-22 [NEW]

SUMMARY:

The proposed revisions to the subchapters are as follows:

Subchapter 1. General Provisions: Update administrative fees and penalties to reflect fee waivers for military and military spouses, and make downward adjustments to the application fees and reinstatement penalties. Create the "Building Maintenance, Improving, and Operating Fund", as provided in Title 59, 475.8(I).

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., January 15, 2020 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 January 16, 2020 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 at the offices of the Board (address above) on and after December 15, 2019.

CONTACT PERSON:

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

[OAR Docket #19-865; filed 11-22-19]

**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 #19-866]

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
 - 245:15-3-1 [AMENDED]
 - 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]
 - 245:15-5-3 [AMENDED]
 - 245:15-5-4 [AMENDED]
- Subchapter 7. Licensure
 - 245:15-7-4 [AMENDED]
 - 245:15-7-5 [AMENDED]
- Subchapter 9. Rules of Professional Conduct
 - 245:15-9-3 [AMENDED]
 - 245:15-9-4 [AMENDED]
- Subchapter 11. Continuing Education
 - 245:15-11-5 [AMENDED]
 - 245:15-11-7 [AMENDED]
 - 245:15-11-11 [AMENDED]
 - 245:15-11-13 [AMENDED]
- Subchapter 13. Minimum Standards for the Practice of Land Surveying
 - 245:15-13-2 [AMENDED]
- Subchapter 17. Licensee's Seal
 - 245:15-17-1 [AMENDED]
 - 245:15-17-2 [AMENDED]

SUMMARY:

The proposed revisions to the subchapters are as follows:

Subchapter 1. General Provisions: The proposed amendments will provide an equivalent definition for the nationally accepted "Professional Surveyor" to "Professional Land Surveyor" and remove duplicated language from the statute for the definition of the "Practice of land surveying".

Subchapter 3. Application and Eligibility for Licensing: Proposed amendments will 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. The proposed language also provides language required for military and military spouse temporary licenses pursuant to Title 59, Section 4100.

Subchapter 5. Examinations: Further clarify the application and examination process for applicants to allow for a more streamlined experience.

Subchapter 7. Licensure: Provide for clarifying language for professional engineers and land surveyors renewing their licenses; remove renewal fee waiver for professional engineers and professional land surveyors over the age of 70 since the "retired status" was approved for licensees.

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: Further clarify requirements.

Subchapter 17. Licensee's Seal: Update language and include requirements for use of the term "Professional Surveyor".

Notices of Rulemaking Intent

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., January 15, 2020 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 January 16, 2020 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 at the offices of the Board (address above) on and after December 15, 2019.

CONTACT PERSON:

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

[OAR Docket #19-866; filed 11-22-19]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #19-858]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 19. Operational Requirements
- Part 3. Operational Requirements for all Disposal Facilities
252:515-19-36. Air criteria [AMENDED]
- Subchapter 27. Cost Estimates and Financial Assurance
- Part 3. Cost Estimates
252:515-27-34. Annual adjustments to cost estimates
[AMENDED]

SUMMARY:

The Department is proposing to amend OAC 252:515 to revise potentially confusing regulations and to clarify deadlines. The gist of the rule is to clarify deadlines related to cost estimates, specify deadlines for financial assurance mechanisms, and to make a minor grammatical change related to dust control.

AUTHORITY:

Environmental Quality Board, 27A O.S. §§ 2-2-101, 2-10-201, and 2-10-301.2; Solid Waste Management Advisory Council, 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 16, 2019 through January 15, 2020. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 16, 2020 and at the Environmental Quality Board meeting at 9:30 a.m. on February 21, 2020.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 16, 2020, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 21, 2020, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at <https://www.deq.ok.gov/land-protection-division/land-protection-division-proposed-rules/>, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), the Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPProprules.htm.

CONTACT PERSON:

David Cates, Land Protection Division, Solid Waste Permitting Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at David.Cates@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #19-858; filed 11-22-19]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 40. EMPLOYEE BENEFITS DEPARTMENT**

[OAR Docket #19-863]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Flexible Benefits Plan
Part 1. General Provisions
260:40-7-2. [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the State's workforce. It is proposed that the rules be amended. The effect of the amended rules is to correct a citation error, increase clarity of the rules, and provide health insurance coverage which is consistent and commensurate with coverage that is available to other employer groups participating in the Oklahoma Employees Insurance Benefits Act Program. 260:25-7-2 corrects a statutory citation and amends the definition of the word "Dependent".

AUTHORITY:

The Director of the Office of Management and Enterprise; 74 O.S. Section 1366; 62 O.S. Section 34.6(8).

COMMENT PERIOD:

Written comments may be made from this date until February 5, 2020. Comments should be filed in the office of Tracy Osburn, Deputy General Counsel, Office of Management and Enterprise Services Human Capital Management Division, located at 2401 N. Lincoln Blvd., suite, Oklahoma City, Oklahoma 73105.

PUBLIC HEARING:

A public hearing has been scheduled for 10:00 am to 12:00 pm on February 5, 2020, at the offices of the Human Capital Management Division located at 2401 N. Lincoln Blvd., Will Rogers Building, Conference Room 216, Oklahoma City, Oklahoma 73105. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Tracy Osburn, Deputy General Counsel
Office of Management and Enterprise Services
Human Capital Management Division

2401 N. Lincoln Blvd., Suite 106
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

As required by 75 O.S. § 303(D), a rule impact statement will be available beginning December 31, 2019. The rule impact statement may be obtained for review by contacting Tracy Osburn of the Office of Management and Enterprise Services Human Capital Management Division.

CONTACT PERSON:

Tracy Osburn, Deputy General Counsel, (405) 522-3428

[OAR Docket #19-863; filed 11-22-19]

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

[OAR Docket #19-860]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Employees Group Insurance Division - Administrative And General Provisions [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1 Office of Management and Enterprise Services Employees Group Insurance Division; 62 O.S. §34.6(8) the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2020. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 23, 2020, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #19-860; filed 11-22-19]

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

[OAR Docket #19-862]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Employees Group Insurance Division - Health, Dental, Vision and Life Plans [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1 Office of Management and Enterprise Services Employees Group Insurance Division; 62 O.S. §34.6(8) the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2020. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 23, 2020, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #19-862; filed 11-22-19]

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

[OAR Docket #19-861]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Employees Group Insurance Division - HealthChoice Disability Plan [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1 Office of Management and Enterprise Services Employees Group Insurance Division; 62 O.S. §34.6(8) the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 23, 2020. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 23, 2020, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees

Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #19-861; filed 11-22-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #19-838]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Organization and Administration
317:1-1-4 [AMENDED]
317:1-1-6 [AMENDED]
317:1-1-7 [AMENDED]

(Reference APA WF # 19-11)

SUMMARY:

The proposed revisions will comply with Oklahoma Senate Bill 456, which was signed into law on March 13, 2019, and directed the reorganization of the OHCA Board. The seven-member Board was replaced with a nine-member Board appointed by the Governor, Speaker, and President Pro Tempore. Further revisions establish that the chair and vice-chair elections are held at the last regular meeting before January 1 of every year. Other revisions are needed to correct outdated language. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-838; filed 11-21-19]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS**

[OAR Docket #19-840]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:2-1-2.5 [AMENDED]

(Reference APA WF # 19-22)

Notices of Rulemaking Intent

SUMMARY:

The proposed revisions to the expedited appeals policy will add language that specifies that requests for expedited appeal hearings should be sent to the Administrative Law Judge (ALJ) with a copy sent to the Oklahoma Health Care Authority (OHCA), and the request shall specify the services requested and the specific basis for the assertion that a regular thirty-day appeal timeframe will seriously jeopardize the life or health of the member requesting an expedited appeal hearing.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-840; filed 11-21-19]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 2. GRIEVANCE PROCEDURES AND PROCESS

[OAR Docket #19-848]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:2-1-16 [REVOKED]

(Reference APA WF # 19-39A)

SUMMARY:

The proposed revocation of rules will remove rule sections that were created for the nursing home supplemental payment program, a program that was never implemented; the Centers for Medicaid and Medicaid Services (CMS) did not ultimately approve the proposal.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-848; filed 11-21-19]

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

[OAR Docket #19-835]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 24. Certified Community Behavioral Health Clinics
[NEW]

- 317:30-5-263 [NEW]
- 317:30-5-264 [NEW]
- 317:30-5-265 [NEW]
- 317:30-5-266 [NEW]
- 317:30-5-267 [NEW]
- 317:30-5-268 [NEW]

(Reference APA WF # 19-02)

SUMMARY:

The proposed revisions will incorporate new rules to sustain the certified community behavioral health clinics (CCBHC) project beyond its demonstration period in Oklahoma. Currently, there are three CCBHCs providing services to SoonerCare members. The services provided include nine types of behavioral health treatment services, with an emphasis on the provision of 24-hour crisis care, utilization of evidence based practices, care coordination, and integration with physical health. The proposed rules will outline CCBHC member eligibility, provider participation requirements, and program scope. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Section 223 of the Protecting Access to Medicare Act (PAMA)

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-835; filed 11-21-19]

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

[OAR Docket #19-837]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-27 [AMENDED]

(Reference APA WF # 19-08)

SUMMARY:

The proposed revisions to telehealth policies are in accordance with Oklahoma Senate Bill (SB) No. 575, which amended 25 Oklahoma Statutes (O.S.), Sections 2004 and 2005. Revisions outline and further define the following requirements for telehealth services: parental consent;

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confidentiality and security of protected health information; services provided or received outside of Oklahoma that may require prior authorization; and that services provided must be within the scope of the practitioner's license or certification. Revisions also define that program restrictions and coverage for telehealth services mirror those which exist for the same services when not provided through telehealth; however, the rule also outlines that only certain telehealth codes are reimbursable by SoonerCare. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; and 25 Oklahoma Statutes, Sections 2004 and 2005

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-837; filed 11-21-19]

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

[OAR Docket #19-839]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-20 [AMENDED]

(Reference APA WF # 19-21)

SUMMARY:

The proposed revisions are necessary due to a streamlined, electronic process developed by OHCA providers to request, through the provider portal, a review of claims submitted (e.g. amount paid, non-payment of medical services provided) and to submit supporting documentation for their request (e.g. medical documentation, proof of timely filing). This request for review process will replace the previous manual process of submitting paper forms and documentation to a post office box.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-839; filed 11-21-19]

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

[OAR Docket #19-841]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 87. Birthing Centers [REVOKED]
- 317:30-5-890 [REVOKED]
- 317:30-5-890.1 [REVOKED]
- 317:30-5-891 [REVOKED]
- 317:30-5-892 [REVOKED]
- 317:30-5-893 [REVOKED]

(Reference APA WF # 19-23)

SUMMARY:

The proposed revisions will revoke the policy regarding free-standing birthing centers as this type of provider no longer exists in Oklahoma.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-841; filed 11-21-19]

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

[OAR Docket #19-842]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 97. Case Management Services for Members Under Age 18 Twenty-One Years of Age at Risk of Involvement with or in the Temporary Custody or Supervision of the Oklahoma Office of Juvenile Affairs (OJA)

- 317:30-5-970 [AMENDED]
- 317:30-5-971 [AMENDED]
- 317:30-5-971.1 [NEW]
- 317:30-5-972 [AMENDED]
- 317:30-5-973 [AMENDED]
- 317:30-5-974 [AMENDED]

(Reference APA WF # 19-30)

SUMMARY:

The proposed revisions, requested by OJA, will increase the maximum eligible age for individuals who are involved in or at serious risk of involvement with the juvenile justice system and who are eligible for TCM services from eighteen (18) to under twenty-one (21). Additionally, the proposed

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revisions will align and reorganize TCM policy with the current evidence-based practices used by OJA.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-842; filed 11-21-19]

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

[OAR Docket #19-843]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 21. Outpatient Behavioral Health Agency Services
317:30-5-240.3 [AMENDED]

Part 37. Advanced Practice Registered Nurse
317:30-5-375 [AMENDED]

317:30-5-376 [AMENDED]

Part 39. Skilled Nursing Services

317:30-5-390 [AMENDED]

317-30-5-391 [AMENDED]

Part 85. Advantage Program Waiver Services

317:30-5-763 [AMENDED]

Part 105. Residential Behavioral Management Services in
Group Settings

317:30-5-1043 [AMENDED]

(Reference APA WF # 19-31)

SUMMARY:

The proposed revisions will comply with Oklahoma House Bill (HB) 2351, which allows Oklahoma to enter into the enhanced Nurse Licensure Compact (eNLC). The eNLC is an agreement between states that allows a nurse's licensure to be portable to other member-states of the Compact. These revisions amend references that narrowly tie a nurse's license to the Oklahoma Board of Nursing and align SoonerCare rules with the eNLC.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board; Oklahoma HB 2351

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-843; filed 11-21-19]

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

[OAR Docket #19-844]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 110. Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us)

317:30-5-1095 [AMENDED]

317:30-5-1099 [AMENDED]

(Reference APA WF # 19-33)

SUMMARY:

The proposed revisions will clarify how Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us) Obstetrics (OB) providers should bill for OB care. I/T/Us have the option of either billing for OB encounters or a bundled rate for total OB care. The clarification will require I/T/Us to be specific when choosing a billing method as they are only allowed to choose one of the billing methods. Finally, the proposed changes will establish new service limitations and requirements for OB services.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007(C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-844; filed 11-21-19]

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

[OAR Docket #19-846]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 80. Mobile and/or Portal Dental Treatment Facilities
[NEW]

317:30-5-706 [NEW]

317:30-5-707 [NEW]

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317:30-5-708 [NEW]

317:30-5-709 [NEW]

317:30-5-710 [NEW]

317:30-5-711 [NEW]

(Reference APA WF # 19-37)

SUMMARY:

The proposed revisions will add coverage and reimbursement for preventive dental services received through mobile and portable dental treatment facilities. Additionally, revisions will add provider participation requirements pursuant to the Oklahoma State Dentistry Act and the Oklahoma Health Care Authority contracting requirements, while also defining coverage and limitations for preventive dental services, billing requirements, basic consent form requirements, and follow-up care requirements.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007(C)(2) of Title 63 of Oklahoma Statutes; Title 42 of the Code of Federal Regulations (CFR), Part 441, Subpart B; Oklahoma State Dentistry Act and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-846; filed 11-21-19]

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

[OAR Docket #19-849]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long-Term Care Facilities

317:30-5-136 [REVOKED]

(Reference APA WF # 19-39B)

SUMMARY:

The proposed revocation of rules will remove rule sections that were created for the nursing home supplemental payment program, a program that was never implemented; the Centers for Medicaid and Medicaid Services (CMS) did not ultimately approve the proposal.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-849; filed 11-21-19]

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

[OAR Docket #19-850]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-19.6 [NEW]

(Reference APA WF # 19-40)

SUMMARY:

The proposed new rule is needed to comply with House Bill (HB) 2591 which creates the Defunding Statutory Rape Cover-Up Act. The new law requires the OHCA to deny an application for a new or renewed provider agreement, or terminate an existing agreement, if a provider is investigated and found by a court to have failed to report statutory rape. The new rule outlines how an individual can report a complaint and the actions OHCA can take if the complaint has been found valid.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in

the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-850; filed 11-21-19]

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

[OAR Docket #19-836]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 3. Non-Medical Eligibility Requirements
317:35-5-26 [AMENDED]

Part 7. Application and Eligibility Determination Procedures
317:35-5-67 [NEW]

(Reference APA WF # 19-04)

SUMMARY:

The proposed revisions will comply with the federal regulation at 42 Code of Federal Regulations § 435.916(d), which requires a prompt redetermination of eligibility whenever information is received about a change in a member's circumstances that may affect eligibility. In accordance with the new policy, a member's eligibility will be terminated if his or her mail is returned to the agency as unforwardable, with address unknown, and the Oklahoma Health Care Authority (OHCA) has made a reasonable but unsuccessful attempt to

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verify the member's current address. Per 42 CFR §§ 431.213 and 431.231, advance notice is not required to be given to the member when eligibility is terminated due to returned mail; however, notice will be sent to the member by mail and by email, if the agency has an email address on file. Notice will also be posted to the member's online SoonerCare account. Additionally, if the member's whereabouts become known within the eligibility period, eligibility will be reinstated. Rules and procedures for terminating eligibility due to returned mail are employed by other states' Medicaid agencies, including those of Alabama, Arizona, Ohio, New Jersey, New York, Oregon, and Colorado. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board; 42 Code of Federal Regulations (CFR) § 435.916(d); 42 CFR § 457.343; 42 CFR § 431.213; and 42 CFR § 431.231

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-836; filed 11-21-19]

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

[OAR Docket #19-845]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 7. Application and Eligibility Determination
Procedures

317:35-5-63 [AMENDED]

Subchapter 18. Programs of All-Inclusive Care for the Elderly (PACE)

317:35-18-3 [AMENDED]

(Reference APA WF # 19-36)

SUMMARY:

The proposed revisions will bring the OHCA into compliance with Senate Bill (SB) 888, allowing a PACE organization to engage in enrollment practices throughout the entirety of each month; therefore, making the enrollment effective date the first day of the following month. Additionally, this SB will allow for PACE participants to enroll, upon signing an enrollment agreement, and will also allow PACE participants to provide notice of voluntary disenrollment at any time for no cause. Further revisions will add language to allow PACE providers to either be a non-profit or for-profit entity to align with the Social Security Act sections 1894(a)(3)(B) and 1934(a)(3)(B).

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (C)(2) of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; SB 888, codified at 56 U.S.C. § 1017.6; Social Security Act 1894(a)(3)(B), codified at 42 U.S.C. § 1395eee and 1934(a)(3)(B), codified at 42 U.S.C. § 1396u(4)

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health

Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-845; filed 11-21-19]

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

[OAR Docket #19-847]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 22. Pregnancy Related Benefits Covered Under Title XXI
317:35-22-2 [AMENDED]
(Reference APA WF # 19-38)

SUMMARY:

The proposed revisions will amend policy to remove the two visit limitation for Unborn Child populations covered under the Title XXI State Plan. All visits shall require medical review to deem whether the medical visit affects fetal effect. The revisions are needed to comply with Parity federal regulations which instruct the State to provide equivalent services to all children covered under the Plan. Under federal parity law requirements, children covered by Children's Health Insurance Program (CHIP), including those in the Unborn Child category, must have the same access to Secretary-approved coverage

of all Early Periodic Screening, Diagnostic and Treatment (EPSDT) benefits including health care, diagnostic services, treatment, and other measures to correct or ameliorate defects and physical and mental illness and conditions as per the approved State Plan.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007(C)(2) of Title 63 of Oklahoma Statutes; Title 42 of the Code of Federal Regulations (CFR), Sections (§) 440.240 and 440.250; 42 CFR § 431.53; 42 CFR § 440.170 and the Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 15, 2020 to Sandra Puebla, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Sandra.Puebla@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Wednesday, January 15, 2020 at 1:00 p.m. and Wednesday, February 19, 2020 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Sandra Puebla, at the above addresses, before the close of the comment period on January 15, 2020.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Sandra.Puebla@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 16, 2019.

CONTACT PERSON:

Sandra Puebla, Senior Director, 405-522-7270 or Sandra.Puebla@okhca.org.

[OAR Docket #19-847; filed 11-21-19]

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TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 15. LICENSING

[OAR Docket #19-872]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

325:15-1-2 [AMENDED]

Subchapter 5. Occupation Licensing

325:15-5-10 [AMENDED]

325:15-5-16 [AMENDED]

325:15-5-17 [AMENDED]

325:15-5-20 [AMENDED]

SUMMARY:

The proposed rule amendments add and revise definitions; update language; modify qualifications for jockeys and apprentice jockeys; clarify determining characteristics of program trainer; provide penalties for violation of section; and require allowance of examination of certain documents under certain circumstances.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Monday, January 27, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-872; filed 11-25-19]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 25. ENTRIES AND DECLARATIONS

[OAR Docket #19-873]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

325:25-1-2 [AMENDED]

325:25-1-19 [AMENDED]

325:25-1-26 [AMENDED]

325:25-1-32 [AMENDED]

SUMMARY:

The proposed rule amendments add and revise definitions; update language; reduce arrival deadline of entered horses; clarify limitation on races; and change certain required test.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 9:45 a.m., Monday, January 27, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambimaddy@ag.ok.gov.

[OAR Docket #19-873; filed 11-25-19]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 35. GENERAL CONDUCT**

[OAR Docket #19-874]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 325:35-1-2 [AMENDED]
- 325:35-1-5 [AMENDED]
- 325:35-1-15 [AMENDED]
- 325:35-1-21 [AMENDED]
- 325:35-1-30 [AMENDED]

SUMMARY:

The proposed rule amendments add a definition; update language; prohibit certain trainers from transferring horses and engaging in certain conduct; modify trainer's duty to ensure licensed participation; prohibit certain trick or scheme relating to training of horse; and add restriction to jockey wagering.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambimaddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., Monday, January 27, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambimaddy@ag.ok.gov.

[OAR Docket #19-874; filed 11-25-19]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 45. PROHIBITED PRACTICES AND EQUINE TESTING**

[OAR Docket #19-875]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 325:45-1-1 [AMENDED]
- 325:45-1-2 [AMENDED]
- 325:45-1-4 [AMENDED]
- 325:45-1-6.1 [AMENDED]
- 325:45-1-6.2 [AMENDED]
- 325:45-1-9.1 [AMENDED]
- 325:45-1-19 [AMENDED]
- 325:45-1-20 [AMENDED]
- 325:45-1-24 [AMENDED]
- 325:45-1-27 [AMENDED]
- 325:45-1-29 [AMENDED]

SUMMARY:

The proposed rule amendments add and revise definitions; update language; modify time frame for substance violations; modify listed thresholds; conform language; modify accreditation requirements for certain laboratories; modify split test procedures; update citation; modify prohibited practices; and clarify mitigation of action relating to environmental contaminants.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambimaddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 10:15 a.m., Monday, January 27, 2020, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

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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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-875; filed 11-25-19]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 50. HUMAN SUBSTANCE ABUSE TESTING

[OAR Docket #19-876]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

325:50-1-2 [AMENDED]

325:50-1-3 [AMENDED]

325:50-1-3.1 [AMENDED]

SUMMARY:

The proposed rule amendments add and delete definitions; and update language.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., Monday, January 27, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-876; filed 11-25-19]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 60. RUNNING THE RACE

[OAR Docket #19-877]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

325:60-1-2 [AMENDED]

325:60-1-24 [AMENDED]

SUMMARY:

The proposed rule amendments modify definitions; and modify jockey requirements when returning to finish after the race.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 10:45 a.m., Monday, January 27, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-877; filed 11-25-19]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS**

[OAR Docket #19-878]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

325:70-1-23 [AMENDED]

SUMMARY:

The proposed rule amendments update language; and clarify methods of notification of certain appeal.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., Monday, January 27, 2020, 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 Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-878; filed 11-25-19]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 75. OKLAHOMA-BRED PROGRAM**

[OAR Docket #19-879]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

325:75-1-2 [AMENDED]
325:75-1-13 [AMENDED]

SUMMARY:

The proposed rule amendments add and revise definitions; and provide for payment of awards upon change of horse ownership.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Kambi Maddy at kambi.maddy@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning December 16, 2019, and ending January 27, 2020.

PUBLIC HEARING:

A public hearing will be held at 11:15 a.m., Monday, January 27, 2020, 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

Notices of Rulemaking Intent

Kambi Maddy at the address listed above during the period beginning December 16, 2019, and ending January 27, 2020.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting app.ag.ok.gov/proposedrules/ or by contacting Kambi Maddy 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:

Kambi Maddy, (405) 522-5803, e-mail address: at kambi.maddy@ag.ok.gov.

[OAR Docket #19-879; filed 11-25-19]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 35. LICENSED DIETITIANS AND PROVISIONAL DIETITIANS

[OAR Docket #19-828]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

435:35-1-2. Definitions [AMENDED]

435:35-1-4. Standards of professional conduct [AMENDED]

435:35-1-5. Academic requirements for examination and licensure [AMENDED]

435:35-1-11. Disciplinary hearings [REVOKED]

SUMMARY:

The proposed revisions will bring the rules up to date and consistent with updated law. These revisions add several definitions as well as a code of ethics, which has been included by the Advisory Committee on Dietetic Registration to incorporate the ethical standards adopted by the Commission on Dietetic Registration ("Commission") and Academy of Nutrition and Dietetics ("Academy"). The Commission is the national credentialing body for dietetics and nutrition professionals, and the Academy serves as the national association for these professionals. Additionally, contradictory language regarding the Committee conducting investigatory hearings that are currently performed by the Board consisted with its statutory authority under the Licensed Dietitian Practice Act is being repealed.

AUTHORITY:

Title 59 O.S. §§ 1721 et seq; Oklahoma Board of Medical Licensure and Supervision

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by January 16, 2020, at the following address: Oklahoma Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma 73105 or via email to bsmith@okmedicalboard.org.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Friday, January 24, 2020, at the Oklahoma Board of Medical Licensure and Supervision, 101 NE 51st Street, Room #117, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Medical Licensure and Supervision website at www.okmedicalboard.org or you may request a copy in person at 101 NE 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and will be available in the Oklahoma Board of Medical Licensure and Supervision office at the address listed above and on the Board's website at okmedicalboard.org after December 17, 2019.

CONTACT PERSON:

Lyle R. Kelsey, Executive Director, (405) 962-1400, lkelsey@okmedicalboard.org.

[OAR Docket #19-828; filed 11-15-19]

TITLE 527. STATE BOARD OF EXAMINERS OF PERFUSIONISTS CHAPTER 1. ADMINISTRATION AND ORGANIZATION

[OAR Docket #19-834]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

527:1-1-2. Description of organization [AMENDED]

SUMMARY:

The State Board of Examiners for Perfusionists is amending OAC 527:1-1-2 to update the process for electing officers of the Board and to provide a process for filling officer vacancies. Secondly and finally, the amendments designate whom shall preside at meetings of the Board in the event that the Chair or Vice Chair are absent.

AUTHORITY:

Title 59 O.S. §§ 2051 et seq; State Board of Examiners of Perfusionists

COMMENT PERIOD:

Persons wishing to present their views in writing may do so by January 16, 2020, at the following address: Oklahoma Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma 73105 or via email to bsmith@okmedicalboard.org.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m. on Friday, January 24, 2020, at the Oklahoma Board of Medical Licensure and Supervision, 101 NE 51st Street, Room #117, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 11:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Medical Licensure and Supervision website at www.okmedicalboard.org or you may request a copy in person at 101 NE 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and will be available in the Oklahoma Board of Medical Licensure and Supervision office at the address listed above and on the Board's website at okmedicalboard.org after December 30, 2019.

CONTACT PERSON:

Lyle R. Kelsey, Executive Director, (405) 962-1400, lkelsey@okmedicalboard.org.

[OAR Docket #19-834; filed 11-20-19]

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 748. OKLAHOMA UNIFORM BUILDING CODE COMMISSION CHAPTER 20. ADOPTED CODES

[OAR Docket #19-859]

RULEMAKING ACTION:

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

PROPOSED RULES:

Subchapter 1. IBC® 2015

748:20-1-9. IBC® 2015 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [AMENDED AND RENUMBERED TO 748:20-2-9]

748:20-1-11. IBC® 2015 Chapter 9 Fire Protection Systems [AMENDED AND RENUMBERED TO 748:20-2-14]

748:20-1-12. IBC® 2015 Chapter 10 Means of Egress [AMENDED AND RENUMBERED TO 748:20-2-15]

Subchapter 2. IBC® 2015 [NEW]

748:20-2-1. [RESERVED]

748:20-2-2. [RESERVED]

748:20-2-3. [RESERVED]

748:20-2-4. [RESERVED]

748:20-2-5. [RESERVED]

748:20-2-6. [RESERVED]

748:20-2-7. IBC® 2015 Chapter 2 Definitions [NEW]

748:20-2-8. [RESERVED]

748:20-2-9. IBC® 2015 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [NEW]

748:20-2-10. [RESERVED]

748:20-2-11. [RESERVED]

748:20-2-12. [RESERVED]

748:20-2-13. [RESERVED]

748:20-2-14. IBC® 2015 Chapter 9 Fire Protection Systems [NEW]

748:20-2-15. IBC® 2015 Chapter 10 Means of Egress [NEW]

748:20-2-16. [RESERVED]

748:20-2-17. [RESERVED]

748:20-2-18. [RESERVED]

748:20-2-19. [RESERVED]

748:20-2-20. [RESERVED]

748:20-2-21. [RESERVED]

748:20-2-22. [RESERVED]

748:20-2-23. [RESERVED]

748:20-2-24. [RESERVED]

748:20-2-25. [RESERVED]

748:20-2-26. [RESERVED]

748:20-2-27. [RESERVED]

748:20-2-28. [RESERVED]

748:20-2-29. [RESERVED]

748:20-2-30. [RESERVED]

748:20-2-31. [RESERVED]

748:20-2-32. [RESERVED]

748:20-2-33. [RESERVED]

748:20-2-34. [RESERVED]

748:20-2-35. [RESERVED]

748:20-2-36. [RESERVED]

748:20-2-37. [RESERVED]

748:20-2-38. [RESERVED]

748:20-2-39. [RESERVED]

748:20-2-40. [RESERVED]

Subchapter 3. IFC® 2015

748:20-3-4. IFC® 2015 Provisions Adopted and Modified [AMENDED AND RENUMBERED TO 748:20-4-4]

748:20-3-6. IFC® 2015 Chapter 1 Scope and Administration [AMENDED AND RENUMBERED TO 748:20-4-6]

748:20-3-7. IFC® 2015 Chapter 2 Definitions [AMENDED AND RENUMBERED TO 748:20-4-7]

748:20-3-11. IFC® 2015 Chapter 9 Fire Protection Systems [AMENDED AND RENUMBERED TO 748:20-4-14]

748:20-3-12. IFC® 2015 Chapter 10 Means of Egress [AMENDED AND RENUMBERED TO 748:20-4-15]

748:20-3-14. IFC® 2015 Chapter 80 Referenced Standards [AMENDED AND RENUMBERED TO 748:20-4-85]

Subchapter 4. IFC® 2015 [NEW]

748:20-4-1. [RESERVED]

748:20-4-2. [RESERVED]

748:20-4-3. [RESERVED]

748:20-4-4. IFC® 2015 Provisions Adopted and Modified [NEW]

748:20-4-5. [RESERVED]

748:20-4-6. IFC® 2015 Chapter 1 Scope and Administration [NEW]

748:20-4-7. IFC® 2015 Chapter 2 Definitions [NEW]

748:20-4-8. [RESERVED]

748:20-4-9. [RESERVED]

748:20-4-10. [RESERVED]

748:20-4-11. [RESERVED]

748:20-4-12. [RESERVED]

748:20-4-13. [RESERVED]

748:20-4-14. IFC® 2015 Chapter 9 Fire Protection Systems [NEW]

748:20-4-15. IFC® 2015 Chapter 10 Means of Egress [NEW]

748:20-4-16. [RESERVED]

748:20-4-17. [RESERVED]

748:20-4-18. [RESERVED]

748:20-4-19. [RESERVED]

Cancelled Hearings/Comment Periods

748:20-4-20. [RESERVED]
748:20-4-21. [RESERVED]
748:20-4-22. [RESERVED]
748:20-4-23. [RESERVED]
748:20-4-24. [RESERVED]
748:20-4-25. [RESERVED]
748:20-4-26. [RESERVED]
748:20-4-27. [RESERVED]
748:20-4-28. [RESERVED]
748:20-4-29. [RESERVED]
748:20-4-30. [RESERVED]
748:20-4-31. [RESERVED]
748:20-4-32. [RESERVED]
748:20-4-33. [RESERVED]
748:20-4-34. [RESERVED]
748:20-4-35. [RESERVED]
748:20-4-36. [RESERVED]
748:20-4-37. [RESERVED]
748:20-4-38. [RESERVED]
748:20-4-39. [RESERVED]
748:20-4-40. [RESERVED]
748:20-4-41. [RESERVED]
748:20-4-42. [RESERVED]
748:20-4-43. [RESERVED]
748:20-4-44. IFC 2015[®] Chapter 39 Processing and
Extraction Facilities [NEW]
748:20-4-45. [RESERVED]
748:20-4-46. [RESERVED]
748:20-4-47. [RESERVED]
748:20-4-48. [RESERVED]
748:20-4-49. [RESERVED]
748:20-4-50. [RESERVED]
748:20-4-51. [RESERVED]
748:20-4-52. [RESERVED]
748:20-4-53. [RESERVED]
748:20-4-54. [RESERVED]
748:20-4-55. [RESERVED]
748:20-4-56. [RESERVED]
748:20-4-57. [RESERVED]
748:20-4-58. IFC[®] Chapter 53 Compressed Gases [NEW]
748:20-4-59. [RESERVED]
748:20-4-60. [RESERVED]
748:20-4-61. [RESERVED]
748:20-4-62. [RESERVED]
748:20-4-63. [RESERVED]
748:20-4-64. [RESERVED]
748:20-4-65. [RESERVED]
748:20-4-66. [RESERVED]
748:20-4-67. [RESERVED]
748:20-4-68. [RESERVED]
748:20-4-69. [RESERVED]

748:20-4-70. [RESERVED]
748:20-4-71. [RESERVED]
748:20-4-72. [RESERVED]
748:20-4-73. [RESERVED]
748:20-4-74. [RESERVED]
748:20-4-75. [RESERVED]
748:20-4-76. [RESERVED]
748:20-4-77. [RESERVED]
748:20-4-78. [RESERVED]
748:20-4-79. [RESERVED]
748:20-4-80. [RESERVED]
748:20-4-81. [RESERVED]
748:20-4-82. [RESERVED]
748:20-4-83. [RESERVED]
748:20-4-84. [RESERVED]
748:20-4-85. IFC[®] 2015 Chapter 80 Referenced Standards
[NEW]
748:20-4-86. [RESERVED]
Subchapter 10. NEC[®] 2014 [NEW]
748:20-10-1. [RESERVED]
748:20-10-2. [RESERVED]
748:20-10-3. [RESERVED]
748:20-10-4. [RESERVED]
748:20-10-5. [RESERVED]
748:20-10-6. [RESERVED]
748:20-10-7. [RESERVED]
748:20-10-8. [RESERVED]
748:20-10-9. [RESERVED]
748:20-10-10. NEC[®] 2014 Chapter 4 Equipment for
General Use [NEW]
748:20-10-11. [RESERVED]
748:20-10-12. [RESERVED]
748:20-10-13. [RESERVED]
748:20-10-14. [RESERVED]
748:20-10-15. [RESERVED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 37 OK Reg 73.

CANCELLATION COMMENT PERIOD:

November 4, 2019 through December 6, 2019.

CANCELLED PUBLIC HEARING:

1:30 p.m., December 17, 2019, 3545 NW 58th Street, Suite 700, Oklahoma City, OK

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced at a later date. For additional information contact Kathy Hehnly, 405-521-6501 or Kathy.Hehnly@oubcc.ok.gov.

[OAR Docket #19-859; filed 11-22-19]

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 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #19-826]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. Incorporation by Reference

252:100-2-3 [AMENDED]

Subchapter 13. Open Burning

252:100-13-2 [AMENDED]

252:100-13-5 [AMENDED]

252:100-13-7 [AMENDED]

252:100-13-8 [AMENDED]

252:100-13-8.1 [NEW]

252:100-13-9 [AMENDED]

Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment areas

Part 7. Specific Operations

252:100-39-49 [REVOKED]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 13, 2019

[OAR Docket #19-826; filed 11-13-19]

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

[OAR Docket #19-827]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

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

Subchapter 10. Radioactive Materials Program

Part 1. General Provisions

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

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

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

Part 35. Medical Use of Byproduct Material

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

Part 40. Domestic Licensing of Source Material

252:410-10-40. 10 CFR 40 incorporations by reference [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 13, 2019

[OAR Docket #19-827; filed 11-13-19]

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

[OAR Docket #19-824]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 13. Supervision of Physician Assistants and Advanced Practice ~~Nurse~~Nurses with Prescriptive Authority

435:10-13-1. Purpose [AMENDED]

435:10-13-2. Eligibility to supervise physician assistants and advanced practice ~~nurse~~nurses with prescriptive authority [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 12, 2019

[OAR Docket #19-824; filed 11-12-19]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 15. PHYSICIAN ASSISTANTS

[OAR Docket #19-825]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Licensure of Physician Assistants

435:15-3-13. Supervising physician; alternatives [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 12, 2019

[OAR Docket #19-825; filed 11-12-19]

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 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION CHAPTER 10. ZONING REGULATIONS FOR CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICT

[OAR Docket #19-891]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Appendix A. Capitol-Medical Center Improvement and Zoning Districts Map [REVOKED]
Appendix A. Zoning District Map [NEW]¹

AUTHORITY:

Capitol-Medical Center Improvement and Zoning Commission; 73 O.S., §83.4

ADOPTION:

September 27, 2019

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

November 15, 2019

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

This rule is necessary to avoid serious prejudice to the public interest in that it must be promulgated to effectuate the action taken by the Commission at its September 27, 2019 meeting.

GIST/ANALYSIS:

This rule revokes the most recent Capitol-Medical Improvement and Zoning Districts Map, and adopts a new map for the District consistent with action taken by the Capitol-Medical Improvement and Zoning Commission at its September 27, 2019 meeting.

CONTACT PERSON:

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

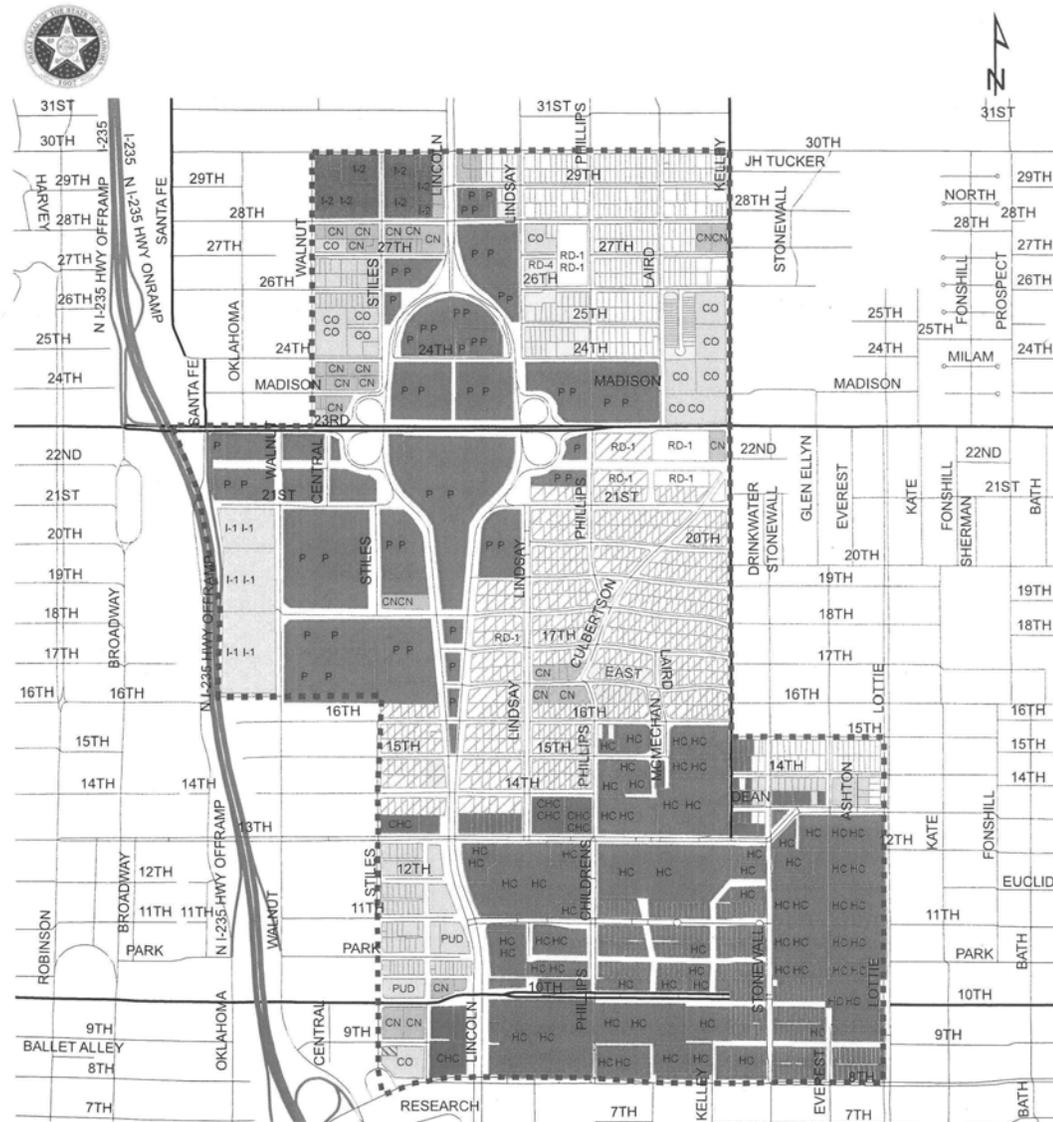
EDITOR'S NOTE: ¹ *The Governor's Notification approving these emergency rules cites the REVOKED and NEW Appendices as they were incorrectly identified as Appendix A.1 and Appendix 1 in the document submitted by the agency to the Governor for review. These were editorially corrected before publication, as authorized by 75 O.S., Section 255(A)(4), to reflect the REVOCATION AND REENACTMENT of Appendix A in Title 120, Chapter 10.*

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

Emergency Adoptions

APPENDIX A. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICTS MAP [REVOKED]

APPENDIX A. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICTS MAP AS LAST AMENDED BY THE COMMISSION SEPTEMBER 27, 2019 [NEW]



Legend

- | | | |
|--------------------------------|-----------------------------------|--|
| District Boundary | Health Center (HC) | Planned Unit Development (PUD) |
| Historical Landmark (HL) | Historic Landmark (HL) | Single Family Residential (RD-1) |
| Historic Preservation (HP) | Historic Preservation (HP) | Low Density General Residential (RD-2) |
| Health Center Commercial (CHC) | Restricted Light Industrial (I-1) | Low Rise General Residential (RD-3) |
| Neighborhood Commercial (CN) | Light Industrial (I-2) | High Rise General Residential (RD-4) |
| Office Commercial (CO) | Public (P) | |

[OAR Docket #19-891; filed 11-25-19]

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

[OAR Docket #19-829]

RULEMAKING ACTION: EMERGENCY adoption

RULES:

- Subchapter 1. Procedure for Obtaining and Maintaining a Driver License or Identification Card
Part 2. Application for Initial Driver License
595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]
Part 3. Driver License Renewal
595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]
Part 7. Identification Cards
595:10-1-25. Procedure for obtaining an identification card [AMENDED]
595:10-1-26. Procedure for obtaining a renewal identification card [AMENDED]
595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]
Part 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]
Part 13. Motor License Agents
595:10-1-50. Identification required [AMENDED]

AUTHORITY:

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

ADOPTION:

October 28, 2019

EFFECTIVE:

Immediately upon the Governor's approval

APPROVED BY GOVERNOR:

October 31, 2019

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

SB 19 was signed by Governor Stitt on May 6, 2019 and will go into effect on November 1, 2019. The changes to the above administrative rules are needed to comply with the provisions of SB 19.

GIST/ANALYSIS:

Senate Bill 19 eliminated the requirement of primary and secondary identification to apply for an Oklahoma REAL ID Compliant or REAL ID Non-Compliant credential.

CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2140. E-mail: kdammen@dps.state.ok.us

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., § 253(F):

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

PART 2. APPLICATION FOR INITIAL DRIVER LICENSE

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

(a) Application. Every applicant for an initial Oklahoma driver license shall appear before a Driver License Examiner [47 O.S. §6-110]. An application for a driver license must be completed either by the applicant at the Driver License Examination Station or online, when an electronic process is made available by the Department of Public Safety (the Department), prior to the commencement of the required examination. Each applicant must sign a declaration under penalty of perjury that the information presented on the application is true and correct, and the State must retain this declaration. An applicant must sign a new declaration when presenting new source documents to the Department of Public Safety or certified motor license agent on subsequent visits. An emergency contact name, address and phone number may be included on the application; which emergency contact may be changed or removed at any time by the licensee or by the emergency contact. The emergency contact information shall be for use by the Department and law enforcement officers only. Upon submitting a completed and approved application, providing proof of identity as provided for in (b) of this Section and proof that the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], or having valid documentary evidence of lawful presence in the United States, and meeting all statutory requirements and successfully completing every required examination [Subchapter 3. Examination of this Chapter], the applicant may, if paying with an accepted credit card, be issued a temporary driver license by the Driver License Services Division after paying the required fees or proceed to a certified motor license agent Certified Motor License Agent and present the DL-10 approved application form issued by the Driver License Examiner along with the same identification presented to the examiner, and paying the required fees, the applicant will be issued a temporary driver license. The actual license will be mailed to the customer. The State must subject each person applying for a REAL ID compliant and non-compliant driver license or identification card to a mandatory facial image, finger image capture, and shall maintain photographs and finger image of individuals even if no card is issued. For each individual applying for an Oklahoma REAL ID Compliant or REAL ID Non-Compliant credential, the State must take and retain a photograph of the applicant's face and collect and retain the applicant's finger images, with or without the issuance of any type of Oklahoma credential. A person who has been declared to be a disabled veteran receiving compensation at the 100% rate for a permanent disability shall receive an original, renewal, or replacement driver license or identification card at no charge, upon presentation of one of the following documents:

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

Emergency Adoptions

(b) Required documents for a REAL ID Compliant Driver License.

(1) **Proof of Identity.** To establish identity, the applicant must present at least one of the following source documents:

- (A) Valid, unexpired U.S. passport.
- (B) Original or certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth.
- (C) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545.
- (D) Valid, unexpired Permanent Resident Card (Form I-551) issued by the United States Department of Homeland Security (DHS) or United States Citizenship and Immigration Services (USCIS)
- (E) Unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B.
- (F) Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.
- (G) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570.
- (H) Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS.
- (I) REAL ID driver's license or identification card issued in compliance with the standards established by this part.
- (J) Such other documents as DHS may designate by notice published in the Federal Register.

(2) **Name Change.** If a customer wishes to establish a name other than the name that appears on a source document (for example, through marriage, adoption, court order, or other mechanism permitted by State law or regulation), the customer must provide evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as determined by the Department. The Department shall maintain copies of the documentation presented and maintain a record of both the recorded name and the name on the source documents as determined by the Department. If immigration documents are presented, the customer must provide proof of the updated name change with USCIS or SAVE.

(3) **Proof of Date of Birth.** To establish date of birth, an individual must present at least one document included in paragraph (1) of this section.

(4) **Proof of Social Security Number (SSN).** An applicant for a REAL ID driver license must present his or her Social Security Administration account number card; or, if a Social Security Administration account card is not available, the person may present any of the following documents bearing the applicant's SSN:

- (A) A W-2 form,
- (B) A SSA-1099 form,
- (C) A non-SSA-1099 form, or

(D) A pay stub with the applicant's name and SSN on it. ~~The State DMV~~The Department or Motor License Agent (MLA) must verify the SSN with the Social Security Administration (SSA). In the event of a non-match with SSA, the Department shall not issue a REAL ID driver license until the information ~~verifies~~is verified with SSA.

(5) **Documents demonstrating address of principal residence.** To document the address of principal residence, a person must present at least two documents of the State's choice that include the individual's name and principal residence. Acceptable documents to prove address of principal residence are:

- (A) Copy of previous year's federal or Oklahoma income tax return filing
- (B) Current and valid life insurance, or automobile liability policy or card with address.
- (C) Installment loan contract from a bank or other financial institution. ~~(Payday loan companies are not acceptable).~~ not to include documents reflecting a cash advance or signature loan.
- (D) Current Deed, mortgage, monthly mortgage statement, or a residential lease.
- (E) Current homeowners' or renters' insurance policy or statement.
- (F) Professional license issued by an Oklahoma governmental agency
- (G) Property tax bill or receipt dated within the last 12 months
- (H) Sales tax or business license
- (I) ~~Social Security Administration~~ SSA document with Oklahoma street address dated within the last 12 months
- (J) Transportation Security Administration (TSA) letter or the Transportation Worker Identification Credential (TWIC) ~~(TWIC) card.~~
- (K) Utility bill (from an electric, telephone (home or cell), water, sewer, cable, satellite, heating oil, or propane provider).
- (L) Valid ~~concealed weapons~~ handgun permit.
- (M) Certified copy of court order.
- (N) Oklahoma Boat Title or Registration.
- (O) Current documents issued by the US Military.
- (P) Oklahoma Motor Vehicle Title or Registration.
- (Q) Government-issued Pilot's ~~Pilot's~~ license.
- (R) Public assistance benefit card and correspondence dated within the last 12 months.
- (S) W-2 wage or 1099 tax form from the previous year.
- (T) Oklahoma Voter ~~registration~~ Registration card ~~Card.~~
- (U) Tribal ~~Vehicle~~ vehicle ~~Titles~~ titles or ~~Registration~~ registration.
- (V) Oklahoma ~~High School~~ school, ~~College~~ college, ~~University~~ university, ~~transcript~~ or Technology Center transcript for current school year or semester.

(W) Oklahoma Agriculture ~~exemption~~Exemption ~~permit~~Permit card (farm tax permit).

(X) Correspondence from an Oklahoma State ~~Agency~~agency with current address dated within the last year. ~~(cannot be forwarded mail)~~

(6) **Evidence of lawful status in the United States.**

The Department may issue a REAL ID Compliant driver license only to ~~an~~ personapplicant who has presented satisfactory evidence of lawful status.

(A) If the applicant presents one of the documents listed under paragraph (b)(1), ~~(A) through (b)(1)(H)~~ the verification of the applicant's identity will also provide satisfactory evidence of lawful status.

(B) If the applicant presents one of the identity documents listed under paragraphs (b)(1) ~~(I) through (b)(1)(J)~~ of this section, or the issuing State's verification of the identity document(s) does not provide satisfactory evidence of lawful status, ~~The~~the applicant must also present a second document from documentation issued by DHS or other Federal agencies demonstrating lawful status as determined by USCIS. All documents shall be verified by the ~~Systematic Alien Verification for Entitlements (SAVE)~~ SAVE.

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

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

(A) A certified birth certificate, as issued by the appropriate state agency from the state of birth. A certified birth certificate issued by a city or county may be accepted if it is issued on secure document paper and if the certificate either is from a state which the Department has verified authorizes the issuance of birth certificates certified by a city or county or contains a statement indicating the record is a copy of

the facts on file with the state agency responsible for maintaining and certifying vital records. The birth certificate shall include the person's name, date of birth, and sex, shall be signed and sealed, and shall include the certificate number. The following documents are not acceptable:

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

(B) A United States passport,

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

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

(E) An Oklahoma ~~driver license~~Oklahoma REAL ID Compliant or REAL ID Non-Compliant credential issued by the Department of Public Safety when legal presence has been noted in record on or after November 1, 2007,

(F) A State of Oklahoma identification card issued by the Department of Public Safety when legal presence has been noted in record on or after November 1, 2007, or

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

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

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

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

(3) **Primary ~~proof~~Proof of identification for original, renewal, or replacement issuance to a foreign national or legal permanent resident alien.** As ~~primary~~proof of identification and proof of lawful presence in the United States for a foreign national or legal permanent

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resident alien, an applicant shall present, in person, valid documentary evidence of one of the following:

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

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

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

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

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

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

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

(4) **Secondary proof of identification.** The following ~~shall be presented by the applicant as~~ secondary ~~proof~~ proofs of identification accepted by the Department

until October 31, 2019 and shall contain the name of the applicant:

- (A) Any ~~primary~~—proof of identification listed in paragraphs (1), (2), or (3), as applicable, of this subsection which is not used as ~~the primary proof of~~ identification document of the applicant,
- (B) For any person under the age of 18, an affidavit provided by the Department and signed by the parent or legal guardian,
- (C) Photo identification card that is issued by an Oklahoma:
 - (i) public, private, or parochial secondary school,
 - (ii) institution of higher education,
 - (iii) technology center school, or
 - (iv) employer,
- (D) Oklahoma gun permit,
- (E) Pilot license,
- (F) Oklahoma lifetime hunting or fishing license,
- (G) Oklahoma voter identification card,
- (H) Social Security card,
- (I) Health insurance card,
- (J) Motor vehicle registration or title,
- (K) Marriage certificate,
- (L) Separation or divorce judgment,
- (M) High school, technology center school, college, or university diploma
- (N) Professional degree, certificate, or license,
- (O) Deed or title to property in Oklahoma, including a burial plot deed,
- (P) Health, life, or home insurance policy issued to the applicant,
- (Q) Automobile insurance policy or security verification form issued to the applicant,
- (R) A valid U.S.D.O.T. health card, as required by 49 C.F.R. Part 391,
- (S) Digital photograph comparison, if a Department-generated digital photograph is already on file with the Department,
- (T) Identification documents issued by the United States Armed Services:
 - (i) Military discharge (DD-214), unless specified not to be used for identification,
 - (ii) Military identification card, or
 - (iii) Military dependent identification card,
- (U) United States Bureau of Indian Affairs identification card or a Oklahoma tribal photo identification card, approved by the Department of Public Safety (the Department shall maintain on its website a list of tribes which comply with this provision), which identifies the person and includes the following information:
 - (i) color photograph of the person,
 - (ii) full legal name of the person,
 - (iii) birth date of the person,
 - (iv) signature of the person,
 - (v) signature of person who verifies records, and

- (vi) tribal seal,
- (V) Expired Oklahoma Driver License,
- (W) Expired Oklahoma Identification Card,
- (X) Oklahoma Tax Commission Agricultural Exemption Permit (tax exempt card),
- (Y) Department of Corrections cards including:
 - (i) Department of Consolidated Record Card
 - (ii) Department of Corrections Inmate Identification Card,
- (Z) Transportation Worker Identification Credential (TWIC card)
- (AA) Out-of-State driver license, or
- (BB) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor, Administrative Officer or Director. The Driver License Examiner shall list the approved documentation on the ~~DL-10~~application form. After November 1, 2019, the Department will not require secondary proof of identification.
- (5) **Additional identification requirements.** The Department may require additional identification documents:
 - (A) when the Department is unable to determine the reliability or validity of the identification document(s) presented, or
 - (B) as provided in OAC 595:10-1-35.
 - ~~(C) All persons acting as an interpreter must be eighteen (18) years of age or older and must supply proof of legal presence in the United States and a driver license or identification card issued by any state and must sign an affidavit provided by and filled out by Department personnel.~~
- (d) **Driver license numbers.**
 - (1) Driver license numbers shall be assigned by computer. Use of the applicant's ~~Social Security number~~SSN as the driver license number is prohibited [47 O.S. § 6-106(B)]; provided, every applicant shall provide the Department with the Social Security number of the applicant [47 O.S. § 6-106(B),12], which shall be verified before a driver license shall be issued to the applicant. Verification shall be accomplished using the Social Security On-line Verification (SSOLV) system. The Department shall refer any applicant to the ~~Social Security Administration~~SSA whenever the ~~Social Security number~~SSN cannot be verified for the applicant.
 - (2) Any licensee may request to change his or her driver license number to any nine-digit number which is not in use or has not been previously used by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement license [OAC 595:10-1-18]

PART 3. DRIVER LICENSE RENEWAL

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

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

(b) Required identification.

(1) **Renewal with valid and unexpired Real ID Non-Compliant driver license.** The valid and unexpired Class D license provided as the ~~primary~~ identification, as prescribed in OAC 595:10-1-3(c)(~~3~~), may be retained by the licensee, after the ~~motor license agent~~ Motor License Agent or Driver License Examiner has first punched a hole through the identification number of the license or cut off the bottom right corner of the card. ~~The person shall also provide secondary identification as prescribed in OAC 595:10-1-3(e)(4).~~

(2) **Renewal with ~~ana~~ Real ID Non-Compliant expired driver license.** The expired Class D driver license provided as the ~~primary~~ identification may be retained by the licensee, after the ~~motor license agent~~ Motor License Agent or Driver License Examiner has first punched a hole through the identification number of the license or cut off the bottom right corner of the card. The person shall provide ~~primary~~ identification as prescribed in OAC 595:10-1-3(c)(~~3~~), as appropriate. Any customer with a license expired more than one (1) year past the expiration date and the original issue date was before 11/01/2007 must show proof of legal presence in this country. If the ~~motor license agent's~~ Motor License Agent's operator is not Birth Certificate certified or REAL ID certified the customer must go to an agent who is certified or they must see a Driver License Examiner.

(3) **Renewal without driver license.** Any person who does not have the valid and unexpired driver license shall provide identification as prescribed in OAC 595:10-1-3(b) for a Real ID Compliant or 595:10-1-3(c) for a Real ID Non-Compliant driver license.

(4) **Renewal of a Real ID Compliant Driver License.** The ~~customer~~ licensee must surrender the Real ID Compliant driver license if available [Title 47 §6-101(T)] and provide identification as required in OAC 595:10-1-3(b).

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

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

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

(2) Any customer who requests a renewal of his or her driver license when the license has been expired in excess

of three (3) years is required to appear before a Driver License Examiner, pursuant to OAC 595:10-1-2.

(e) **Early renewal of a driver license.** Any licensee may renew his or her driver license no more than one (1) year prior to the expiration date. A renewal which occurs more than one (1) year prior to the expiration date shall be treated as a replacement under the provisions of OAC 595:10-1-18.

(f) Change of driver license number.

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

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

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

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

595:10-1-3(b) for a Real ID Compliant or 595:10-1-3(c) for a Real ID Non-Compliant credential. A ~~non-compliant~~REAL ID Non-Compliant driver license cannot be surrendered for a REAL ID ~~compliant~~Compliant identification card. A REAL ID ~~compliant~~Compliant identification card shall not be issued if there is any material change in any personally identifiable information since prior issuance and the Department of ~~Public Safety~~ shall take an updated photograph of the customer, no less frequently than every sixteen (16) years.

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

(1) The Class D driver license holder shall make application online, when such process is made available, or in writing to the Department and shall submit to the Department:

- (A) copies of documentary evidence of the customer's name and date of birth as required by OAC 595:10-1-10 (documents sent for verification will not be returned; therefore, original documents should not be sent). If a material change is requested for a Real ID Non-Compliant driver license, ~~the original~~ ~~or~~ certified copies of the required documents must be submitted. A material change means any change to the personally identifiable information of an individual, such as their name or driver license number. If the customer wants these documents returned they are to enclose a self-addressed, stamped envelope. A material change does not include a change of address;
- (B) A Real ID Compliant license requiring a material change must be done in person;
- (C) the customer's Class D driver license number;
- (D) both the Oklahoma residence address, ~~and~~ Oklahoma mailing address, or temporary mailing address with the expiration date of the temporary mailing address. If an expiration date is not provided for the temporary mailing address, the system will default to an expiration date of thirty (30) days from the issuance of the Oklahoma credential. If the address is different than the address on record at the Department, the customer must submit a change address request to the Department online at <https://www.dps.state.ok.us/addresschange/card>;
- (E) the number of a nationally-recognized credit card and authorization for the required fee for the renewal Class D driver license to be paid by the customer to the Department using the credit card; and
- (F) the ~~customer's~~applicant's signature.

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

- (A) online application: <https://ok.gov/dps/dlrenewal/>, or
- (B) by first class mail: Department of Public Safety, PO Box 11415, Oklahoma City, OK 73136

(3) Method of payment:

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

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

(4) If the Department approves the renewal Class D driver license without appearing in person, pursuant to the requirements of this chapter, and: if the digital photograph and digital signature of the customer are available from the files of the Department, the Department shall create the renewal Class D driver license using that photo and signature.

(5) The Department may mail the renewal Class D driver license only to a customer who is temporarily residing out of state to the out of state address provided by the licensee. The licensee shall provide a pre-paid self-addressed stamped envelope.

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

(7) A renewal Class D driver license without appearing in person shall be approved for no more than three (3) consecutive renewals or replacements of such license. A fourth consecutive renewal or replacement must be done in person.

PART 7. IDENTIFICATION CARDS

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

(a) A person wishing to obtain an identification card shall appear before a Driver License Examiner or, if the applicant has been issued a computerized format (digital) driver license for at least thirty (30) days, may appear before a ~~motor~~Motor License ~~agent~~Agent. When applying for a ~~Real~~REAL ID Compliant ~~Identification~~identification card, the applicant shall be required to furnish the same acceptable means of identification and other documents as when applying for a driver license (including a valid social security number) as prescribed in OAC 595:10-1-3(b). A ~~Real~~REAL ID Compliant ~~Identification~~identification card cannot be issued if the applicant has a ~~Real~~REAL ~~Id~~ID Compliant ~~Driver~~driver license. When applying for a ~~Real~~REAL ID Non-compliant Non-Compliant identification card the applicant must provide the same acceptable means of identification as required when applying for a ~~Real~~REAL ID Non-compliant Non-Compliant driver license as prescribed in OAC 595:10-1-3(c). Unless unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as both primary and secondary identification for the purposes of obtaining and a ~~Real~~REAL ID ~~Non-compliant~~Non-Compliant Oklahoma identification card [47 O.S. § 6-106(G)] and complete the application form unless

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the applicant has been previously issued an original Oklahoma driver license on or after November 1, 2007.

(b) If appearing before a Driver License Examiner, the Examiner will complete and, if appropriate, will approve the identification card application. ~~A DL-10~~The approved application form will be processed for the applicant. The applicant shall take the ~~DL-10~~approved application form, along with the identification presented to the Driver License Examiner at application time, to a ~~motor~~Motor License Agent or the Department and pay the required fee. If applicant is under age eighteen (18) and has not been issued a computerized format (digital) driver license for at least thirty (30) days, may submit a notarized affidavit signed by a custodial legal parent or legal guardian in lieu of custodial legal parent or legal guardian appearing in person and signing application [47 O.S. § 6-105.3(A)].

(c) When appearing before a ~~motor~~Motor License Agent, the ~~agent~~Agent shall process the application for the applicant, collect the required fee from the applicant, and issue the temporary identification card to the applicant.

(d) An identification card may be issued as prescribed in OAC 595:10-1-10(h) and 10-1-18(g).

(e) Identification card numbers will be assigned by computer. The Use of the applicant's ~~Social Security number~~SSN on the identification card is prohibited [47 O.S. §§ 6-105(H) and 6-106(B)].

(f) An individual, who is an Oklahoma resident and who is located within the state, may declare in writing to the Department that, because of a medical reason or condition, he or she is unable to appear in person to renew his or her identification card, in which case the Department shall issue by mail ~~an~~ Real ID Non-compliant Non-Compliant identification card to the person. The individual shall provide ~~both primary and secondary~~ identification as prescribed in OAC 595:10-1-3(c) unless the cardholder provides a valid and unexpired Oklahoma driver license which shall serve as ~~both primary and secondary~~ identification for the purposes of renewing the Oklahoma identification card [47 O.S. § 6-106(G)].

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

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

(b) **Required identification.**

(1) **Renewal with expiring or expired identification card.** The expiring or expired ~~Real~~REAL ID Non-compliant Non-Compliant identification card provided as the ~~primary proof~~ of identification may be retained by the cardholder, after ~~the motor license agent has first punched a hole~~ has been punched through the identification number of the card or ~~has cut off~~ the lower right corner of the ~~card~~ card has been cut off by either a Motor License Agent or a Driver License Examiner. ~~The person shall provide secondary identification for a Real ID Non-Compliant card as prescribed in OAC 595:10-1-3(e)(4).~~

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

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

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

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

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

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

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

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

(C) both the Oklahoma residence address, ~~and~~ Oklahoma mailing address, ~~with the specification as to which address is to be displayed on the identification card (display of both the residence address and mailing address, or any combination thereof, is prohibited; provided, this subsection shall not be construed to prohibit display of a residence address if it is also the mailing address); provided, if the address is different than the address on record at the Department, the customer must submit a change address request to the Department online at <https://www.dps.state.ok.us/addresschange/cardtemporary mailing address> with the expiration date of the temporary mailing address. If an expiration date is not provided for the temporary~~

mailing address, the system will default to an expiration date of thirty (30) days from the issuance of the renewed Oklahoma credential.

~~(D) the application for renewal without appearing in person shall be denied by the Department, and~~

~~(E) the number of a nationally-recognized credit card and authorization for the required fee for the renewal Identification card to be paid by the applicant to the Department using the credit card; and~~
~~(F) the customer's signature.~~

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

(A) online application: www.ok.gov/dps, or

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

(3) Method of payment:

(A) online: ~~if you are submitting your~~ application is submitted online, you may only pay payment must be made by credit card.

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

(4) If the Department approves the renewal ~~Identifi-~~entification card without appearing in person, pursuant to the requirements of this chapter, and: if the digital photograph and digital signature of the applicant are available from the files of the Department, the Department shall create the renewal ~~Identifi-~~entification card using that photo and signature. A ~~renewal of a REAL ID compliant~~Compliant identification can only be renewed by mail if there are no material changes requested.

(5) The Department may mail the renewal ~~Class—D driver license~~ identification card only to a customer who is temporarily residing out of state to the out of state address provided by the licensee. The licensee shall provide a pre-paid self-addressed stamped envelope.

(6) If the Department denies the renewal identification card to the applicant pursuant to this Section, the Department shall notify the applicant in writing of the denial, the reason for the denial, return any payment submitted by the customer, and the customer shall be required to appear in person for the renewal ~~Identifi-~~entification card.

(7) ~~A renewal Identification card without appearing in person shall be approved only when the immediately previous renewal was in person. A renewal or replacement may be requested up to three consecutive times. A renewal or replacement may be requested up to three (3) consecutive times. The card holder must appear in person before a Driver License Examiner or Motor License Agent at the time of renewal after the previous three (3) renewals by mail.~~

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

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

(b) **Required identification to replace lost, stolen, or mutilated identification card.** Any person shall provide ~~both primary and secondary~~ identification as prescribed in OAC 595:10-1-3(b) for a ~~Real~~REAL ID Compliant identification card and OAC 595:10-1-3(C) for a ~~Real~~REAL ID Non-compliant Non-Compliant identification card.

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

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

(2) **Address change.** Any person who requests a replacement identification card in order to make an address change shall provide ~~both primary and secondary~~ identification as prescribed in OAC 595:10-1-3(b) for a ~~Real~~REAL ID Compliant identification card and OAC 595:10-1-3(C) for a ~~Real~~REAL ID Non-compliant Non-Compliant identification card. The person requesting the address change for a ~~Real~~REAL ID Non-compliant Non-Compliant identification card may retain the old card, if it is available, after ~~the motor license agent has first punched a hole~~ has been punched through the identification number of the card or ~~has cut the lower right corner of the card~~ has been cut by a Motor License Agent or Driver License Examiner. An address change shall be made only to an Oklahoma address. The customer must provide ~~the Department of Public Safety~~ approved documentation for proof of residency for a ~~Real~~REAL ID Compliant identification card.

(3) **Physical Sex change.** The cardholder shall show an original or certified court order for name change, if applicable, and a notarized statement on letterhead from the physician who performed the sex change operation

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indicating the customer or licensee has undergone a complete physical sex change. The letter shall state the sex change is "irreversible and permanent". The cardholder shall also show proof of former legal name, if applicable. The former name shall be entered into the "Alias" field in the identification card database to provide historical information to the Department. The person requesting the information change for a ~~Real~~REAL ID Non-compliant ~~Non-Compliant~~ identification card may retain the old card, if it is available, after ~~the motor license agent has first punched a hole~~ has been punched through the identification number of ~~the card~~ or has cut the lower right corner of the card has been cut by a Motor License Agent or Driver License Examiner.

(4) **Psychological Sex Change Due to Gender Dysphoria.** The cardholder shall show an original or certified court order or birth certificate for gender change and also for a name change, if applicable, and a notarized statement on letterhead from a mental health professional who has diagnosed this condition. The cardholder shall also show proof of former legal name, if applicable. The former name shall be entered into the "Alias" field in the identification card database to provide historical information to the Department. The person requesting the information change for a ~~Real~~REAL ID Non-compliant ~~Non-Compliant~~ identification card may retain the old card, if it is available, after ~~the motor license agent has first punched a hole~~ has been punched through the identification number of ~~the card~~ or has cut the lower right corner of the card has been cut by a Motor License Agent or Driver License Examiner.

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

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

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

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

(A) copies of documentary evidence of the customer's name and date of birth, as required by OAC 595:10-1-10 (documents sent for verification will not be returned; therefore, original documents should not be sent). If a material change is requested, the original or certified copies of the required documents must be submitted. A material change means any change

to the personally identifiable information of an individual, such as their name, address, or driver license number. A ~~Real~~REAL ID Compliant identification card may not be issued by mail if there is a material change. ~~A material change does not include a change of address, and~~

(B) the customer's Identification card number, and
(C) both the Oklahoma residence address, ~~and~~ Oklahoma mailing address, ~~with the specification as to which address is to be displayed on the identification card (display of both the residence address and mailing address, or any combination thereof, is prohibited; provided, this subsection shall not be construed to prohibit display of a residence address if it is also the mailing address); provided, if the address is different than the address on record at the Department, the application for replacement without appearing in person shall be denied by the Department, if the address is different than the address on record at the Department, the customer must submit a change address request to the Department online at <https://www.dps.state.ok.us/addresschange/card> ~~and~~ temporary mailing address with the expiration date of the temporary mailing address. If an expiration date is not provided for the temporary mailing address, the system will default to an expiration date of thirty (30) days from the issuance of the renewed Oklahoma credential.~~

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

(E) the customer's signature.

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

(A) online application: www.ok.gov/dps, or

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

(3) Method of payment:

(A) online: if ~~you~~ the customer ~~are~~is submitting ~~your~~ the application online, ~~you~~ the customer may only pay by credit card.

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

(4) If the Department approves the replacement of the ~~Identification~~identification card without appearing in person, pursuant to the requirements of this chapter, and: if the digital photograph and digital signature of the customer are available from the files of the Department, the Department shall create the replacement ~~Identification~~identification card using that photo and signature,

(5) The Department may mail the temporary ~~renewal~~ Class D driver license Oklahoma identification card only

to a customer who is temporarily residing out of state to the out of state address provided by the licensee. The licensee shall provide a pre-paid self - addressed stamped envelope. The ~~permanent card~~ Oklahoma identification card will be mailed to the out-of-state address provided.

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

(7) ~~A replacement Identification card without appearing in person shall be approved only when the immediately previous renewal was in person.~~ A renewal or replacement may be requested up to three (3) consecutive times.

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

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

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

(a) **Procedure.** Any person may request a change of name on a driver license or identification card upon providing the appropriate identification and paying the required fee to a Motor License Agent or to the Department of ~~Public Safety~~.

(b) **Name changes allowed.** Name changes must result from:

- (1) a marriage;
- (2) a court order; or
- (3) using a valid, unexpired U.S. Passport. A person requesting a legitimate name change shall submit, without exception, the certified document which indicates the name change.

(c) **Documentation required.** A person requesting a name change using a marriage certificate, common law affidavit or court order shall comply with the ~~primary and secondary~~ identification requirements in OAC 595:10-1-3(b) in order to identify the person by his or her former name and OAC 595:10-1-18 in order to identify the person by his or her new name. The required documents for a name change shall include:

- (1) Court-ordered name change, which shall be in addition to the ~~primary and secondary~~ forms of identification required by OAC 595:10-1-3(b). Only the following types

of court orders may be considered when a name change is requested:

- (A) divorce decree,
- (B) adoption decree,
- (C) name change decree, or
- (D) establishment of record of birth, pursuant to 63 O.S., Section 1-315,

(2) Marriage certificate, which may serve only as the secondary form of identification required by OAC 595:10-1-3(b). For a marriage certificate issued in Oklahoma, the name change shall be to the name signed by the person on the marriage certificate, or

(3) For a common law marriage, "Affidavit of Common Law Marriage" containing the notarized signatures of the husband and wife. ~~Both primary and secondary forms of identification~~ Identification as prescribed in OAC 595:10-1-3(b) must be submitted in addition to this affidavit.

(4) REAL ID Compliant credential issued by another state, or

(5) A valid military identification card.

(d) **Form of new name.** A name change resulting from marriage, court order or divorce shall appear on the driver license or identification card exactly as stated on the Oklahoma marriage certificate, court order or divorce decree. If the marriage certificate is from a state other than Oklahoma, the names shall be in one of the following forms:

- (1) Surname of spouse], [first name] [middle name or initial],
- (2) Surname of spouse], [first name] [former surname or initial],
- (3) Surname-surname of spouse] [first name] [middle name or initial], or
- (4) Surname of spouse-surname], [first name] [middle name or initial].

(e) **Titles or ecclesiastical names.** Titles or ecclesiastical names will not be placed on a ~~driver license or an identification card~~ an Oklahoma credential.

(f) **Retention of information.** The former name shall be entered into the "Alias" field in the driver license or identification card database to provide historical information to the Department.

PART 13. MOTOR LICENSE AGENTS

595:10-1-50. Identification required

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

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

- (1) **Renewal with expiring or expired driver license or identification card.** The expiring or expired driver license or identification card shall be surrendered as ~~the~~ primary proof of identification. ~~The person must provide~~

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~~secondary identification for a Real ID Non-Compliant license as prescribed in OAC 595:10-1-3(e)(4).~~

(2) **Renewal without driver license or identification card.** Any person who does not have the expiring or expired driver license or identification card shall ~~provide both primary and secondary proof of~~ identification as prescribed in OAC 595:10-1-3(c) for a ~~Real~~REAL ID Non-Compliant ~~card~~credential or ~~primary proof of~~ identification as prescribed in OAC 595:10-1-3(b) for a ~~Real~~REAL ID Compliant ~~card~~credential.

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

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

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

(2) **Address change.** Any person who requests a replacement driver license or identification card in order to make an address change must provide ~~both primary and secondary~~ identification as prescribed in OAC 595:10-1-3(b). Both the Oklahoma mailing address and the Oklahoma residence address shall be collected by the ~~motor~~Motor License Agent, and the licensee or card holder shall choose which address to be displayed ~~on the license or card~~. The person requesting the address change may retain the old license or card as provided in OAC 595:10-1-57 (e). An address change shall be made only to an Oklahoma address.

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

(4) **Emergency contact information.** An emergency contact name, address and phone number may be included on the application, which emergency contact may be changed or removed at any time by the licensee or by the emergency contact. The emergency contact information shall be for use by the Department and law enforcement officers only.

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

(f) **Unacceptable documents.** Any document which has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with or altered in any manner or that can

not be read shall not be accepted or used for identification purposes.

[OAR Docket #19-829; filed 11-19-19]

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

[OAR Docket #19-830]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Commercial Driver Licensing

Part 2. Application for Initial Driver License

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

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

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

Subchapter 3. Examination

595:11-3-3. Application for examination [AMENDED]

595:11-3-6. Written examination [AMENDED]

595:11-3-8. Skills examination [AMENDED]

AUTHORITY:

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

ADOPTION:

October 28, 2019

EFFECTIVE:

Immediately upon the Governor's approval

APPROVED BY GOVERNOR:

October 31, 2019

EXPIRATION:

Effective September 14, 2020, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATION BY REFERENCE:

N/A

FINDING OF EMERGENCY:

FMCSA now requires all commercial driver license applicants to attend Entry Level Training and for those applicants seeking the Hazardous Materials endorsement to complete a training course in Hazardous Materials. These rules will allow DPS to certify instructors to train, test, and certify this curriculum.

GIST/ANALYSIS:

FMCSA has established the Entry Level Training (ELDT) in which all CDL applicants must attend before being obtaining a commercial license. FMCSA has also established training requirements for any applicant seeking a Hazardous Materials Endorsement. Applying for a Hazardous materials Endorsement are required to complete Hazardous Materials training curriculum to add the endorsement to the CDL. [49 CFR Appendix E to Part 380 - Hazardous Materials Endorsement Training Curriculum]

CONTACT PERSON:

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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., § 253(F):

SUBCHAPTER 1. COMMERCIAL DRIVER LICENSING

PART 2. APPLICATION FOR INITIAL DRIVER LICENSE

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

(a) **Application.** An applicant for an initial Oklahoma commercial driver license shall first appear before a ~~driver license examiner~~ Driver License Examiner [47 O.S. § 6-110]. An application for a commercial driver license shall be completed by the applicant at the ~~driver license examination station~~ Driver License Examination Station and approved by a ~~driver examiner~~ Driver License Examiner prior to the commencement of the required examination. Upon submitting a completed and approved application, providing proof of identity [OAC 595:10-1-3(b)] and proof that the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S. § 1550.42(B)], meeting all statutory requirements, and successfully completing every required examination [see Subchapter 3 of this Chapter relating to examinations], the applicant may then proceed to a ~~motor license agent~~ Motor License Agent or the Department of Public Safety, 3600 N. ~~M.L. Martin Luther King Ave.~~, Oklahoma City, OK 73111 and present to the ~~agent~~ Motor License Agent or the Department a ~~DL-10 form~~ approved application issued by the ~~driver license examiner~~ Driver License Examiner, along with ~~the same primary and secondary~~ identification (as prescribed in OAC 595:10-1-3(b) for an Oklahoma REAL ID Compliant credential and OAC 595:10-1-3(C) for an Oklahoma Real ID Non-Compliant credential) ~~presented to the examiner~~, pay the required fees, and be issued a ~~driver license~~ Oklahoma REAL ID Compliant credential or an Oklahoma REAL ID Non-Compliant credential. Upon approval of the application by the Department, the applicant shall surrender to the Department any driver license, whether issued by Oklahoma or by another jurisdiction, currently issued to the applicant.

(b) **Required identification.** At the time of application for an initial Oklahoma ~~driver license credential~~, every applicant shall provide to the ~~driver examiner~~ Driver License Examiner:

- (1) ~~primary~~ proof of identification [47 O.S. § 6-106(A)(3); OAC 595:10-1-3(b) for REAL ID Compliant credential or OAC 595:10-1-3(c) for REAL ID Non-Compliant credential],
- (2) ~~secondary proof of identification~~ [47 O.S. § 6-106(A)(3); OAC 595:10-1-3(b)]
- (3) documentation showing whether the applicant is a United States citizen, foreign national or legal permanent resident alien [21 O.S. § 1550.42]. Proof of citizenship or lawful permanent residency shall be met only when the applicant provides [49 C.F.R. § 383.71]:

- (A) a United States citizen:
 - (i) Valid, unexpired U.S. Passport;
 - (ii) Certified copy of a birth certification filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth, Puerto

- Rico, the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;
 - (iii) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State;
 - (iv) Certificate of Naturalization issued by the U.S. Department of Homeland security (DHS); or
 - (v) Certificate of Citizenship issued by DHS.
- (B) a lawful permanent resident; shall provide a valid, unexpired Permanent Resident Card; issued by USCIS or INS.

- (43) proof of full legal name,
- (54) date of birth, and
- (65) ~~and~~ proof of Oklahoma residency; established by a utility bill or Government form bearing the name and address of the applicant. Proof of current residence must be shown for initial issuance, transfer, renewal, or upgrade, made after July 8, 2011. [47 O.S. § 6-106(B)].
- (6) on or after February 7, 2020, applicants must be in compliance with the provisions of 49 CFR 380.600 - 609 Subpart F-Entry Level Driver Training Requirements and meet the curriculum requirements set forth in appendices A through E of part 380.
- (7) 49 CFR 380.700-725 Subpart G- Registry of Entry-Level Driver Training Providers On and After February 7, 2020.

(c) **Documentation requirements.** Any document furnished must be either a certified or original copy and issued by the proper authority; notarized documents will not be accepted. Any document presented shall be unexpired unless otherwise noted in OAC 595:10-1-3. Any document that has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with, or altered in any manner or that cannot be read by the Driver License Examiner shall not be accepted or used for identification purposes. All identification documents must be approved by the Driver License Examiner before acceptance. The Driver License Examiner may, at his or her discretion, request additional identification documentation of the applicant.

(d) **Commercial driver license numbers.**

- (1) Commercial driver license numbers shall be assigned by computer. Use of the applicant's Social Security number as the commercial driver license number is prohibited [47 O.S. § 6-106(B)].
- (2) Any licensee may request to change the numeric characters of his or her commercial driver license number to any nine-digit number by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement commercial driver license from a ~~motor license agent~~ Motor License Agent or the Department, and the licensee shall pay the required fee for the replacement license [OAC 595:11-1-31 or OAC 595:11-1-41].

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

(a) Any person who holds a valid commercial driver license to operate a motor vehicle equivalent to a Class A, B or C

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commercial motor vehicle, as defined by 47 O.S. §§ 1-107.1 through 1-107.3, issued by another state, as defined in 47 O.S. § 1-168, may have the written or skills examination, or both, required in 47 O.S. § 6-110, waived; ~~provided, an applicant~~ On or after February 7, 2020, an applicant applying for a hazardous materials endorsement must complete the Hazardous Materials Endorsement Training Curriculum as defined in 49 CFR Part 380 Appendix E shall take the required examination prior to completing the required knowledge examination.

(b) Upon approval of the application by the Department, the applicant shall surrender to the Department the driver license from the other state, and the Department shall issue to the person a commercial driver license [47 O.S. § 6-101] if the applicant is otherwise eligible.

(c) The Department may cancel the Oklahoma commercial driver license of the person, whereupon the person shall surrender the commercial driver license to the Department [47 O.S. § 6-201(A)] for any of the following reasons.

- (1) The driving record is not available from the other jurisdiction.
- (2) The driving record is not forwarded from the other jurisdiction within thirty (30) days of the application.
- (3) The driving record indicates any type of withdrawal of driving privileges.
- (4) Information is received by the Department that the surrendered license was inappropriately or erroneously issued to the person; provided, the Department shall first attempt to resolve with the person the underlying cause for the inappropriate or erroneous issuance.
- (5) Any other reason that would make the person ineligible to be issued a commercial driver license.

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

(a) **Applicability.** The licensing regulations found in 49 C.F.R., Parts 380, 383 and 391, as adopted in OAC 595:11-1-14 are applicable to all applicants for Class A, B, and C commercial driver licenses.

(b) **Terminology substitutions.** Unless otherwise specified, the following terminology shall apply to federal rules adopted by reference in OAC 595:11-1-14:

- (1) "Department of Public Safety" shall be substituted wherever the term "Department of Transportation" or "Federal Motor Carrier Safety Administration" is used.
- (2) "Commissioner of Public Safety" shall be substituted wherever the term "Federal Motor Carrier Safety Administrator" or "Regional Director" is used.

(c) **Limitations to scope of definitions.** The definitions provided in (b) of this Section are limited in application to 47 O.S. § 6-101 et seq. and the rules adopted by the Department to carry out the provisions of those statutes. These definitions do not alter, replace, or change any definitions contained in Title 47 of the Oklahoma Statutes.

(d) **Additional qualification of all classes of commercial drivers.** The following additions are made to the federal requirement in Qualifications of Drivers [49 CFR §391.11(b)(1)] that a driver be twenty-one (21) years of age or older:

- (1) A driver operating solely in intrastate commerce shall be at least eighteen (18) years of age; and
- (2) Any person who is not at least twenty-one (21) years old shall not be licensed for:

- (A) the transportation of hazardous materials which are required to be placarded or marked in accordance with 49 CFR §177.823, or
- (B) transporting fifteen (15) or more passengers; provided, this subparagraph shall not apply to school bus drivers as provided in OAC 210:30-5.

(e) **Additional qualifications for non-excepted commercial drivers.** The following additions are made to the federal requirement in Commercial Driver's License Standards; Requirements and Penalties [49 CFR §384] relating to medical examiner's certificate:

- (1) A non-excepted commercial driver operating solely in intrastate commerce shall meet the same qualifications as a driver operating in interstate commerce; and
- (2) Current medical examiner's certificate, including any variance if applicable, shall be delivered to the Department of Public Safety by the driver:

- (A) by mail to: Department of Public Safety, Attn: Driver License Services; P.O. Box 11415, Oklahoma City, OK 73136;
- (B) by fax to: 405-419-2196
- (C) by e-mail to: mec@dps.ok.gov
- (D) in person to: the Department of Public Safety headquarters or any Department of Public Safety Examination Site

(3) ~~Until January 30, 2014, the~~ The Department may date stamp the medical examiner's certificate and return a copy, along with the variance if applicable, as a receipt to the driver; and the driver shall keep the copy of the medical examiner's certificate, and any variance if applicable, in his or her possession at all times when operating a commercial motor vehicle.

(4) Changes to the status of any driver from non-excepted status to excepted status or from excepted status to non-excepted status shall be made in writing to the Department by the driver, using one of the delivery methods described in paragraph (2).

SUBCHAPTER 3. EXAMINATION

595:11-3-3. Application for examination

(a) **Information from applicant.** An applicant shall complete and submit an application for a commercial driver license at a ~~driver license examination station~~ Driver License Examination Station prior to the commencement of the required examination. When determined by the ~~driver examiner~~ Driver License Examiner, from information received from the applicant, that the applicant may be afflicted with any physical or mental ailment as set out in 47 O.S. § 6-119, the examination shall be discontinued until the applicant has met all of the requirements set out in the OAC 595:10-5, Medical Aspects. In addition, an applicant for a commercial driver license who does not certify that he or she is exempt from Subpart E of

the Federal Motor Carrier Safety Regulations shall meet the requirements prescribed under 49 CFR § 391.41.

(b) **Required identification.** Each applicant shall furnish documentary proof to establish his or her identity, legal name and birth date as required in OAC 595:10-1-3(b). Notwithstanding the requirements of OAC 595:11-1-12(b), an applicant for ~~an~~ Hazardous Materials ("H") endorsement who possesses either an I-766 or I-688 card issued by United States Citizenship and Immigration Service (USCIS) shall not be granted ~~an~~ the "H" endorsement pursuant to 49 CFR § 383.71.

(c) **Medical reports.** An applicant may be required to submit medical reports regarding any physical or mental condition which might affect driving ability as set forth in 47 O.S. § 6-119 and Department of Public Safety rules regarding Medical Aspects [see OAC 595:10-5].

(d) **License application void.** Approved commercial driver license applications (Class A, B, or C) shall be valid for only twenty-four (24) hours from the time of approval. If the license has not been obtained by the applicant within the allowed time, the approved application shall be void, and the applicant shall appear before a ~~driver license examiner~~ Driver License Examiner and, after determination by the Examiner that all criteria and test scores are still valid, the Examiner may revalidate the application.

(e) **Training Requirements.** On or after February 7, 2020, applicants must be in compliance with the provisions of 49 CFR 380.600 subpart F-Entry Level Driver Training Requirements and meet the curriculum requirements set forth in appendices A through E of part 380.

(f) **Hazardous Materials Endorsement.** On or after February 7, 2020, the applicant must complete the Hazardous Materials Endorsement Training Curriculum. CFR 49 part 380 Appendix E- Hazardous Materials Endorsement Training Curriculum prior to completing required knowledge examination.

595:11-3-6. Written examination

(a) **General.** A written examination shall be administered by a ~~driver examiner~~ Driver License Examiner to each applicant for a commercial driver license to determine the applicant's ability to read and understand highway signs and the applicant's knowledge of the traffic laws of this state; provided, the written examination may be waived as provided in OAC 595:11-1-13(a). The written examination, if not waived, and the vision screening shall be successfully passed by the applicant before the skills test is administered. The written examination includes, when applicable, any separate endorsement/restriction examinations as described in this Section. An applicant determined by an examiner to be cheating on any portion of an examination shall:

- (1) immediately forfeit the examination,
- (2) be given a failing score by the examiner, and
- (3) be disqualified from retaking the examination for one week.

(b) **Examination content.**

(1) **Written examination.** The written examination administered for a commercial driver license shall consist of a minimum of fifty (50) multiple-choice questions. In addition, the combination vehicle test administered for

a Class A commercial driver license shall consist of a minimum of twenty (20) multiple-choice questions. The minimum passing score for each written examination shall be eighty percent (80%).

(2) **Endorsement or restriction examination.** The minimum number of multiple-choice questions and the minimum passing score for each endorsement or restriction examination shall be as follows:

- (A) P passenger endorsement - 20 questions - 80% score
- (B) H hazardous material endorsement - 30 questions - 80% score
- (C) N tank vehicle endorsement - 20 questions - 80% score
- (D) M motorcycle endorsement - 20 questions - 75% score
- (E) S school bus endorsement - 20 questions - 80% score
- (F) T double or triple trailers endorsement - 20 questions - 80% score
- (G) Airbrakes - 25 questions - 80% score. Failure to pass at least 80% of the 25 questions regarding air brakes will result in a restriction code "L" (Vehicle Without Air Brakes) being placed on the applicant's license upon issuance. The applicant shall be prohibited from taking the skill examination in a vehicle with air brakes.

(c) **Alternate method of examination.** The Department may provide an alternate method for the written examination for an applicant who ~~cannot read~~ has difficulty reading or has a language barrier.

(d) **Retesting.** An applicant failing the written examination may be granted the opportunity to retest on the next regular business day.

(e) **Discretionary examination.** Any examination, as deemed necessary by the Department, may be administered by the Department as required for the establishment and authorization of a special endorsement or to permit the operation of commercial motor vehicles.

(f) **Hazardous Materials Endorsement.** On or after February 7, 2020, the applicant must complete the Hazardous Materials Endorsement Training Curriculum. CFR 49 part 380 Appendix E- Hazardous Materials Endorsement Training Curriculum prior to completing required knowledge examination.

(g) **Commercial learner permit.** Any person eighteen (18) years of age or older may apply for a Class A, B, or C commercial learner permit (CLP), as provided in 47 O.S. §6-101(F), solely for the purpose of behind-the-wheel training in a commercial motor vehicle while accompanied by a licensed driver who is twenty-one (21) years of age or older and who holds a valid commercial driver license, including any and all required endorsements, for the class and type of commercial motor vehicle being driven. The CLP ~~must be~~ is only valid for ~~no more than~~ 180 days from the date of issuance. The State may renew the CLP for ~~none~~ (1) additional 180 ~~days~~ day period without requiring the CLP holder to take the general and endorsement knowledge test. However, any previously passed skills tests are only valid for the ~~length~~ duration of ~~the~~ that permit period.

Emergency Adoptions

Skills tests cannot be carried over to another CLP period. The issuance of a CLP is a pre-condition to the issuance of a CDL. The issuance of a CLP is also a pre-condition to the upgrade of a CDL if the upgrade requires a skills test. The CLP holder is not eligible to take the CDL skills in the first 14 days (excluding the day of issuance) after initial issuance of the CLP.

(1) The commercial learner permit shall be issued as provided for 47 O.S. §6-101(F)(2). Any person may reapply for another commercial learner permit by complying with all requirements for the class of commercial learner permit desired.

(2) The Department shall not place a ~~hazardous materials~~ Hazardous Materials (H) endorsement on a commercial learner permit.

(3) A "No Passengers" restriction (restriction code "P") shall be placed on any commercial learner permit issued with a "P" or "S" endorsement. The permit holder shall not operate a commercial motor vehicle which carries any passengers [49 C.F.R. §383.25].

(4) An "Empty/Purge Tank" restriction (restriction code "X") shall be placed on any commercial learner permit issued with an "N" endorsement. The tank vehicle shall be empty and shall be purged if the tank vehicle contained hazardous materials, and the permit holder shall not operate a commercial motor vehicle with a tank vehicle which is not empty or which has not been purged if the tank vehicle contained hazardous materials. A current and valid purge certificate shall be carried in the vehicle at all times when operated by a driver with a ~~permit~~ CLP [49 C.F.R. §383.25].

595:11-3-8. Skills examination

(a) **In general.** The skills examination shall be administered only after the applicant has successfully passed the written examination, or had it waived if eligible under OAC 595:11-1-13(a), and the vision screening. Whenever a skills examination is required, the following general conditions shall apply:

(1) The skills examination shall start at a designated location and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a commercial motor vehicle. ~~You~~ The applicant must take the skills test in the type of vehicle for which ~~you~~ he or she ~~wish~~ requests to be licensed. It is the responsibility of the applicant to furnish for the skills examination a commercial motor vehicle in good working order which meets all state laws and federal requirements regarding operability and equipment. A vehicle not equipped with air brakes shall be required to have driving restriction code "L" (Vehicle Without Air Brakes) placed on the license of the applicant, upon approval ~~of~~ for the issuance of the commercial driver license.

(2) The skills examination shall not be administered in a commercial motor vehicle which:

(A) is transporting hazardous materials or which is required to be placarded for hazardous materials,

(B) requires an oversize permit under the laws of this state or the rules of the Department of Public Safety,

(C) was not designed and constructed by the manufacturer with a seating capacity for one or more persons in addition to the driver,

(D) is not insured as required by 47 O.S. §7-600 et seq.,

(E) does not have a current license plate, unless the vehicle has an unexpired dealer tag or a dated notarized bill of sale not more than five (5) days old.

(F) is saddle mounted,

(G) is a wrecker vehicle towing another vehicle, ~~or~~
(H) is not equipped with seatbelts, if the vehicle was originally manufactured and equipped with seatbelts;

(I) any vehicle that has components marked or labeled cannot be used for the CDL skills test, or

(J) any vehicle hauling livestock.

(3) The applicant has ~~been held an~~ issued and held a commercial learner permit CLP for a minimum of fourteen (14) days. The date of issuance shall not be included.

(4) On or after February 7, 2020, applicants must be in compliance with the provisions of 49 CFR 380.600 subpart F-Entry Level Driver Training Requirements and meet the curriculum requirements set forth in appendices A through E of part 380.

(b) **Scoring of Basic Control Skills (BCS) examination.**

The scoring procedure will be on a cumulative deduction system based on poor or improper driving practices. The Commissioner or the Commissioner's representative shall determine a point value for each act of poor or improper driving. The applicant will be allowed ten (10) minutes per Basic Control Skills (BCS) maneuver to complete the maneuver. In the event the applicant is not able to complete the maneuver in the time allowed, the skills examination will be deemed an automatic failure.

(c) **Content of examination for commercial driver license.** The skills examination shall be conducted in conformance with 49 C.F.R., Section 383.

(d) **Retesting.**

(1) An applicant who fails the skills examination for a commercial driver license may be granted the opportunity to retest the following business day.

(2) The Department shall conduct the skills examination ~~not more than three (3) times, each time~~ at least one (1) business day apart ~~or as instructed by the examiner,~~ beginning no sooner than fourteen (14) days (excluding the day of issuance) from the date of issuance of the commercial learner permit. ~~Should the licensee fail the third examination, the licensee shall wait at least thirty (30) days before being given another skills examination by the Department. The fourth and subsequent examinations shall be given at the request of the licensee but not more than one (1) examination shall be given every thirty (30) days.~~

(3) In computing any time period prescribed by this subsection, the day of the failed examination from which

the designated period of time begins to run shall not be included. The last day of the period computed shall be included, unless it is not a working day, in which event the period runs until the end of the next working day.

(e) **Substitute for skills examination.** A skills examination may be waived by the Department for an applicant when one of the following requirements is met:

(1) The applicant is the holder of a valid commercial driver license from one of the fifty (50) states, the District of Columbia, or a Canadian province.

(2) The applicant is an active member of any branch of the military, Military Reserves or National Guard on active duty, including personnel on full-time or part-time National Guard training, National Guard Military Technicians (civilians who are required to wear a military uniform), and active duty personnel of the U.S. Coast Guard; provided, the person for the two (2) years immediately preceding application for a commercial driver license [49 C.F.R. Parts 383 and 391];

(A) can show, with proper documentation, that he or she has operated a representative class commercial motor vehicle,

(B) certifies that he or she has not been licensed by more than one jurisdiction at the same time,

(C) certifies that he or she has not had any suspension, revocation, cancellation, denial, or disqualification of driving privileges in the two (2) years immediately preceding the application,

(D) has not been convicted of any major disqualifying offense, as defined in 47 O.S., §6-205.2,

(E) has not been convicted more than once of a serious traffic offense, as defined in 47 O.S. §6-205.2, regardless of the type or class of vehicle the offense occurred in, and

(F) certifies that he or she has not been involved in any collision in which he or she was recorded as being at fault.

[OAR Docket #19-830; filed 11-19-19]

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

[OAR Docket #19-831]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 1. Commercial Driver Licensing
- Part 3. Commercial Driver License Renewal - In Person
- 595:11-1-21. Procedure for obtaining a renewal commercial driver license in person [AMENDED]
- Part 5. Commercial Driver License Replacement - In Person
- 595:11-1-31. Procedure for obtaining a replacement driver license in person [AMENDED]
- Part 7. Changes to information contained on commercial driver license
- 595:11-1-51. Procedure to make a change of name on a commercial driver license [AMENDED]

AUTHORITY:

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

ADOPTION:

October 28, 2019

EFFECTIVE:

Immediately upon the Governor's approval

APPROVED BY GOVERNOR:

October 31, 2019

EXPIRATION:

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATION BY REFERENCE:

N/A

FINDING OF EMERGENCY:

SB 19 was signed into law by Governor Stitt on May 6, 2019 and has an effective date of November 1, 2019. The Administrative Rules identified require amending to comply with the new law.

GIST/ANALYSIS:

SB 19 eliminates the requirement of primary and secondary proofs of identification the customer must provide prior to the issuance of an Oklahoma credential.

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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., § 253(F):

SUBCHAPTER 1. COMMERCIAL DRIVER LICENSING

PART 3. COMMERCIAL DRIVER LICENSE RENEWAL - IN PERSON

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

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

(b) **Required identification.**

(1) **Renewal with expiring or expired commercial driver license.** The expiring or expired commercial driver license provided as ~~the primary~~ identification may be retained by the licensee, after the Department or the Motor License Agent has invalidated the document credential by punching ~~holes~~ a hole through the license class and license type displayed. ~~The person shall provide secondary identification as prescribed in OAC 595:10-1-3(b)(2).~~

Emergency Adoptions

~~Applicant~~The applicant must provide current United States citizenship or lawful permanent resident and proof of domicile in the State of Oklahoma.

- (2) **Renewal without driver license.** Any person who does not have the expiring or expired commercial driver license shall provide ~~both primary and secondary identification proof of identification~~ as prescribed in OAC 595:10-1-3(b) ~~for an Oklahoma REAL ID Compliant credential and OAC 595:10-1-3(c) for an Oklahoma REAL ID Non-Compliant credential.~~
- (c) **Vision screening.** Persons holding a commercial driver license shall, upon renewal, meet the vision standards established in OAC 595:10-5-7 and 49 C.F.R., §391.41.
- (d) **Limitations to issuance of a renewal commercial driver license.**
- (1) A renewal commercial driver license shall be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation, or denial and who complies with this Chapter, state law, and federal law and regulation.
- (2) Any applicant who requests a renewal of his or her commercial driver license when the license has been expired in excess of three (3) years shall be required to appear before a ~~driver license examiner~~ Driver License Examiner, pursuant to OAC 595:11-1-11 as for an original commercial driver license.
- (e) **Early renewal of a commercial driver license.** Any licensee may renew his or her commercial driver license no more than one (1) year prior to the expiration date. A renewal which occurs more than one (1) year prior to the expiration date shall be treated as a replacement under the provisions of OAC 595:10-1-18.
- (f) **Change of commercial driver license number.** A request by a licensee to change the commercial driver license number shall conform to the provisions of OAC 595:11-1-12(c).

PART 5. COMMERCIAL DRIVER LICENSE REPLACEMENT - IN PERSON

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

- (a) **General requirements.** Any licensee requiring a replacement commercial driver license because the license was lost, stolen, or mutilated, or because information on the license needs to be changed, shall request a replacement, upon presentation of proper identification and payment of the required fee. ~~The driver examiner~~ Driver License Examiner shall retain the driver license to be replaced if it is available.
- (b) **Required identification to replace lost, stolen, or mutilated license.** Any person shall provide ~~both primary and secondary~~ identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant commercial driver license and OAC 595:10-1-3(c) for a REAL ID Non-Compliant commercial driver license. ~~Applicant~~The applicant must provide current United States citizenship or lawful permanent resident and proof of domicile in the State of Oklahoma. If the credential

cannot be produced because it was lost or stolen, the applicant must complete the Lost or Stolen Driver License Affidavit and submit it with his or her request.

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

- (1) **Name change.** Any person who requests a replacement commercial driver license in order to make a name change shall comply with the ~~primary and secondary~~ identification requirements prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential ~~in order~~ to identify the person by his or her former name and with OAC 595:10-1-35 ~~in order~~ to identify the person by his or her new name. The former name shall be entered by the ~~driver examiner~~ Driver License Examiner into the "Alias" field in the driver license database to provide historical information to the Department. The person requesting the name change may retain the old license, if it is available, after the Department has invalidated the document by punching ~~holes~~ a hole through the license class and license type displayed.
- (2) **Address change.** A licensee shall request a replacement commercial driver license within ten (10) calendar days of any address change; and
- (A) shall provide the new address to the Department, and
- (B) shall provide ~~both primary and secondary~~ identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential.
- (3) **Endorsement or restriction change.** Any person who requests a replacement commercial driver license in order to change endorsement or restriction information on the license shall provide ~~both primary and secondary~~ identification as prescribed in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential. The person requesting the information change may retain the old license, if it is available, after the Department has invalidated the ~~document~~ credential by punching ~~holes~~ a hole through the license class and license type displayed.
- (4) **Sex change.** The licensee shall show an original or certified court order for name change, if applicable, and a notarized statement on letterhead from the physician who performed the sex change operation indicating the applicant or licensee has undergone a complete physical sex change. The letter shall state the sex change is "irreversible and permanent". The licensee shall also show proof of former legal name, if applicable. The new sex shall be entered by the ~~driver examiner~~ Driver License Examiner in the "Sex" field in the driver license database, and the former name shall be entered by the ~~driver examiner~~ Driver License Examiner into the "Alias" field in the driver license database to provide historical information to the Department.
- (d) **Limitations to issuance of a replacement driver license.**

- (1) A commercial driver licensee shall appear before a ~~driver examiner~~Driver License Examiner to request a replacement commercial driver license in order for the ~~examiner~~Driver License Examiner to perform the federally required ten-year driving history check.
- (2) A replacement commercial driver license shall be issued only to an individual whose driving privilege is not under suspension, revocation, disqualification, cancellation, or denial and who complies with this Chapter, state laws, and federal laws and regulations.
- (3) The commercial driver license number may be changed as provided in OAC 595:11-1-12(c).

- (3) ~~For a common~~Common law marriage name change, "Affidavit of Common Law Marriage" containing the notarized signatures of the husband and wife.
- (d) **Form of new name.** A name change resulting from a marriage, court order or divorce decree must appear on the driver license or identification card exactly as stated on the marriage certificate, court order or decree.
- (e) **Titles or ecclesiastical names.** Titles or ecclesiastical names shall not be placed on a commercial driver license.
- (f) **Retention of information.** The former name shall be entered by the ~~driver examiner~~Driver License Examiner into the "Alias" field in the driver license database to provide historical information to the Department.

[OAR Docket #19-831; filed 11-19-19]

**PART 7. CHANGES TO INFORAMTION
CONTAINED ON COMMERCIAL DRIVER
LICENSE**

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

- (a) **Procedure.** Any licensee may request a change of name on his or her commercial driver license upon providing the appropriate identification, as provided in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a Real ID Non-Compliant credential, and paying the required fee to a ~~motor license agent~~Motor License Agent or to the Department of Public Safety.
- (b) **Name changes allowed.** Name changes must result from either marriage or court action. A licensee requesting a legitimate name change shall submit, without exception, the original certified copy of the document which indicates the name change.
- (c) **Documentation required.** A person requesting a name change shall comply with the ~~primary and secondary~~ identification requirements in OAC 595:10-1-3(b) for a REAL ID Compliant credential and OAC 595:10-1-3(c) for a REAL ID Non-Compliant credential in order to identify the person by his or her former name and OAC 595:10-1-18(c)(1) in order to identify the person by his or her new name and proof of current residence address [OAC 595:11-1-12(b) and 49 C.F.R. § 383.71]. The required documents for a name change shall include:
 - (1) Court-ordered name change, which shall be in addition to the ~~primary and secondary~~ forms of identification required by OAC 595:10-1-3(b). Only the following types of court orders may be considered when a name change is requested:
 - (A) divorce decree,
 - (B) adoption decree,
 - (C) name change decree, or
 - (D) establishment of record of birth, pursuant to 63 O.S. § 1-315;
 - (2) Marriage certificate name change, which shall be to the name of the licensee reflected on the marriage certificate, may serve only as the secondary form of identification required by OAC 595:10-1-3(b). The name change shall be to the name signed by the person on the marriage certificate; or

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

[OAR Docket #19-832]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 5. Commercial Driver License Third-Party Examiners
- 595:11-5-1. Purpose [AMENDED]
- 595:11-5-2. Scope and application [AMENDED]
- 595:11-5-3. Definitions [AMENDED]
- 595:11-5-4. Requirements for certification as a certified school; display of certificate; certification renewal [AMENDED]
- 595:11-5-5. Requirements for certification as third-party examiner, display of certificate, certification renewal [AMENDED]
- 595:11-5-7. Skills examination requirements and standards [AMENDED]
- 595:11-5-9. Failed examinations and reexamination [AMENDED]
- 595:11-5-10. Commercial driver license applicant [AMENDED]
- 595:11-5-11. Records to be maintained by certified schools and third-party examiners [AMENDED]
- 595:11-5-12. Records to be maintained at the Department [AMENDED]
- 595:11-5-13. Prescribed forms [AMENDED]
- 595:11-5-15. Prohibited acts; conduct [AMENDED]
- 595:11-5-16. Termination of contracts and agreements [AMENDED]
- 595:11-5-17. Withdrawal or denial of certification [AMENDED]
- Subchapter 7. Truck Driver Training
- 595:11-7-2. Definitions [AMENDED]
- 595:11-7-3. School licenses and instructor permits [AMENDED]
- 595:11-7-4. Qualifications for instructors [AMENDED]
- 595:11-7-9. Prescribed course of study [AMENDED]
- 595:11-7-10. Specification for commercial motor vehicles [AMENDED]
- 595:11-7-15. Suspension or revocation of License [AMENDED]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-110

ADOPTION:

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATION BY REFERENCE:

N/A

Emergency Adoptions

FINDING OF EMERGENCY:

SB 378 was signed into law by Governor Stitt on May 15, 2019 and has an effective date of November 1, 2019. The Administrative Rules identified require amending to comply with the new law and must be in promulgated by December 15, 2019.

GIST/ANALYSIS:

SB 378 provides for Third Party Examiners to be employed by Public or private truck driving schools. It further provides DPS to adopt curriculum and courses required for training of the third party examiners. Additionally, the Department must conduct an annual nationwide background check for each third party examiner. This bill also provides the Department the ability to develop processes to inform schools or examiners of application denials and to create an appeal process for said denials.

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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., § 253(F):

SUBCHAPTER 5. COMMERCIAL DRIVER LICENSE THIRD-PARTY EXAMINERS

595:11-5-1. Purpose

This Subchapter establishes requirements, procedures, and standards for the certification of public and technology center schools, any public or private commercial truck driving school that has or maintains a program instructing students for a commercial license in the State of Oklahoma, and of commercial motor vehicle driver training instructors to administer skills examinations on the premises of the schools to qualified applicants for a commercial driver license.

595:11-5-2. Scope and application

The provisions of this Subchapter shall apply only to schools and persons described under the following agreements:

(1) Memorandum of Understanding entered into on July 1, 2006, by and between the Department of Public Safety and the State Board of Education.

(2) Memorandum of Understanding entered into on January 1, 2007, by and between the Department of Public Safety and the Oklahoma Department of Career and Technology Education.

(3) State of Oklahoma law stating upon application and approval of the Commissioner of the Department of Public Safety, any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B, or C license in the State of Oklahoma shall be authorized to hire or employ third-party examiners, approved by the Department of the Class A, B, or C skills portion of the Oklahoma driving examination. All third party examiners must successfully have completed the courses and training as outlined in 595:11-5-6.

595:11-5-3. Definitions

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

"Business day" means Monday through Friday 8:00 a.m. to 4:45 p.m., excluding state and federal holidays.

"Certified school" means a school district or technology center school or any public or private commercial truck driving school that has or maintains a program instructing students for a commercial driver license in the State of Oklahoma that is approved and licensed by the Department of Public Safety to provide, on the premises of the school, the driving skills examinations for Oklahoma commercial driver licenses.

"Commercial driver license" means an Oklahoma Class A, B, or C commercial driver license, as defined in 47 O.S. § 6-101.

"Commercial truck driving school" means any public or private entity that offers a program of instruction for a Class A, B, or C license in the State of Oklahoma that has been approved and certified by the Department of Public Safety.

"Commercial motor vehicle" means a Class A, B, or C commercial motor vehicle, as defined in 47 O.S. §§ 1-107.1, 1-107.2 or 1-107.3, used for training students.

"Department" means the Department of Public Safety.

"Driver training instructor" means an employee of a certified school who has been approved by the State Board of Education to teach school bus driver training courses, or has been approved by Oklahoma Board of Career and Technology Education to teach truck driver training courses, or who has the appropriate approval to teach both courses, or an employee of any commercial truck driving school that has been approved by the Department to be a Third-Party Examiner.

"Examination" means the skills portion (one (1) test with three (3) segments to include the pre-trip, basic controls skills (BCS), and road test) of the examination for a commercial driver license which shall test the ability of the applicant to operate a commercial motor vehicle and shall be administered on the premises of a certified school by a third-party examiner employed by that school. "Examination" shall also mean:

- (A) an examination to upgrade the current commercial driver license of a driver license applicant, or
- (B) an examination to remove restriction ~~code codes~~, "L" from the current commercial driver license of a driver license applicant.

"Federal Motor Carrier Safety Administration" means the United States Department of Transportation Office of Motor Carrier Safety, 300 N. Meridian, Suite 106 North, Oklahoma City, Oklahoma 73107, (405) 605-6047.

"School district" means a school district, as defined in 70 O.S. § 1-108, which has at least one secondary school, as defined in 70 O.S. §1-106, which offers a school bus driver training course approved by the State Board of Education.

"Technology center school" means a technology center school within a technology center school district, established pursuant to Section 9B of Article X of the Oklahoma Constitution, and operated in accordance with the rules of the

Oklahoma Board of Career and Technology Education which offers a school bus driver training course approved by the State Board of Education or a truck driver training course approved by the State Board of Education.

"Third-party examiner" means a driver training instructor employed by a certified school who has been approved by the Department of Public Safety to administer, on the premises of the certified school employing the instructor, the examination, as defined in this Section, for a commercial driver license. A third-party examiner is not and shall not be construed or purported, either explicitly or by implication, to be an employee of the Department of Public Safety.

"Third-Party Examiner Program" means the program at the Department that issues Third-Party Examiner certifications.

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

(a) **Requirements and application for certification.** A school district, technology center school, or a commercial truck driving school may apply for certification as a certified school. The applying school shall meet the following requirements:

- (1) Be actively enrolling students and teaching a formal course of instruction for school bus drivers training as approved by the State Board of Education, or truck driver training as approved by the Oklahoma Board of Career and Technology Education, or a commercial truck driving school.
- (2) Obtain and possess written approval to make application for and be, if approved, a certified school from:
 - (A) the State Board of Education, if the school is a school district, or
 - (B) the Oklahoma Board of Career and Technology Education, if the school is a technology center.
 - (C) the Department of Public Safety, if the school is a commercial truck driving school that has been in operation for at least two (2) years.
- (3) Submit an application to the Department on a form prescribed by the Department [OAC 595:11-5-13].
- (4) Have its on-site examination route or routes examined and approved by the Department of Public Safety CDL Coordinator or his or her designee~~an employee of the Department~~. A route:
 - (A) shall start and end on the premises or property of the certified school, unless otherwise approved by the Department,
 - (B) shall meet all state and federal requirements,
 - (C) shall not be altered or changed in any manner without first being examined and approved by the Department,
 - (D) shall not be replaced by an alternate route unless the alternate route is first examined and approved by the Department. If, during the course of the examination, it is determined that any of the approved routes could not be followed, the third-party examiner shall notify the Department in writing immediately

~~after completing the test the same day the test is administered~~ as to the reason for the change in route,

(E) shall not be used to conduct training or practicing for the examination, and

(F) shall be configured to be at least seventy-five percent (75%) different from any route used for training or practicing.

(5) Agree to:

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

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

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

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

(E) ensure all examinations are administered by a third-party examiner;

(F) ensure third-party examiners administer the examination only to driver license applicants who:

(i) have successfully completed a formal course of instruction, ~~as submitted to and approved by the Department,~~ at the institution where the third-party examiner is employed and certified, ~~and or~~

(ii) successfully completed a course of instruction at a school district or technology center school in the surrounding counties of the certified school, and

(ii) have a commercial learner permit and driver license issued by Oklahoma. The commercial learner permit must be issued at least fourteen (14) days prior to testing and the date of issuance shall not be included;

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

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

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

(i) any state law, Department rule, or federal regulation regarding the examination of an applicant for a commercial driver license, or

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

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(J) maintain records of all third-party examiners employed by the school and copies of all documents relating to examinations administered for a period of not less than three (3) years; provided, if a school discontinues doing business, the school shall send to the Department a roster of all students who were administered examinations by the school during the immediately preceding three (3) years;

(K) immediately notify the Department by telephone, followed by written notification within five (5) days, of the termination of employment of any third-party examiner. The official seal of the Department, the CDL examiner's manual, the score sheet pads and/or testing tablet, and the certificate and identification card issued by the Department to the third-party examiner shall be returned to the Department with the written notification;

(L) immediately notify the CDL Coordinator ~~within the Commercial Driver License Program Administration~~ of the Department, electronically, by telephone, or first-class mail of every fraudulent application made to obtain a commercial driver license; and

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

(b) **Certification.** Upon acceptance and approval by the Department of the application for certification from a school district, ~~or~~ technology center school, or any public or private commercial truck driving school, or upon acceptance and approval by the Department of the application for renewal of certification from a certified school, and upon completion to the satisfaction of the Department by the school of all other requirements for certification, the Department shall provide the certified school with a certificate evidencing approval by the Department as a certified school. The certificate shall be posted at the examination location at the certified school and in full view of the public. The certificate shall be valid for four (4) years.

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

- (1) Have evidence on file with the Department of a satisfactory on-site inspection conducted by an employee of the Department prior to renewal.
- (2) Employ at least one third-party examiner.
- (3) Submit an application for renewal on a form prescribed by the Department no later than December 1 of the year of expiration [OAC 595:11-5-13].

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

(a) **Requirements and application for certification.** A driver training instructor [see OAC 595:11-7-4 for instructor qualifications] may apply for certification as a third-party examiner. The applicant shall meet the following requirements:

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

(2) Complete an application provided by the Department [see OAC 595:11-5-13] and submit a nationwide criminal background check [FMCSR, 49 CFR 384.228(g)] certified within the immediately preceding thirty (30) days and, if the applicant has not lived in Oklahoma for the immediately preceding five (5) years, a criminal background check from the agency responsible for keeping criminal history in the state or states of previous residence.

(3) Be employed by a certified school.

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

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

(B) in order to administer school bus examinations, a valid School Bus Workshop Instructor Certificate issued by the State Board of Education with three (3) years of instructor experience, and

(C) in order to administer truck examinations, a valid certificate issued by the Oklahoma Board of Career and Technology Education or the Department showing the applicant has met the current requirements with three (3) years of instructor experience.

(5) Successfully complete a course of instruction prescribed by the Department [see 595:11-5-6].

(6) ~~Meet the same vision standards as for Driver License Examiners of the Department [see OAC 595:10-5-7 and 49 C.F.R., §391.41 regarding vision standards].~~

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

(8) Agree to submit examination reports to the Department by electronic means immediately upon completion of each examination.

(9) Be required to meet at DPS Headquarters with the CDL Coordinator or designee to discuss the program requirements and expectations.

(10) Submit required initial fee of One Thousand Dollars (\$1000.00). If an applicant for the Third-Party Examiner program is employed by a public school, technology center or state entity, the fee may be waived by the Department.

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

(1) Two (2) or more convictions for a moving traffic offense within the twelve (12) months immediately preceding the application, or

(2) Any alcohol- or drug-related conviction requiring the Department to revoke, suspend, or disqualify the instructor's driving privilege within the five (5) years immediately preceding the application.

(3) Any conviction for any offense which required or will require the Department to take any type of action

against the instructor within the three (3) years immediately preceding the application, including, but not limited to:

- (A) a warning letter, or
- (B) a revocation, suspension, cancellation, denial or disqualification of the instructor's driving privileges.
- (4) Any misdemeanor conviction, except for a misdemeanor conviction for a traffic offense, within the five (5) years immediately preceding the application.
- (5) Any felony conviction within the last ten (10) years in this state or any state or other state or country or any conviction involving fraudulent activities in this state or any other state or country.

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

- (1) a certificate evidencing approval by the Department as a third-party examiner, which shall be posted at the examination location at the certified school and in full view of the public. The certification will be valid for four (4) years.
- (2) an identification card to be carried by the third-party examiner whenever the examiner is administering an examination.
- (3) an official seal to be used by the third-party examiner to be used as provided in 595:11-5-14.
- (4) If the initial application for approval is denied, a school or applicant may re-apply no more than two (2) times per calendar year.
- (5) Any applicant denied certification under this subsection may request an administrative hearing pursuant to OAC 595:1-3-1 through 595:1-3-20.

(d) **Renewal of certification.**

- (1) A certified third-party examiner shall be eligible for renewal of certification if the examiner:
 - (A) submits an application for certification renewal upon a form provided by the Department no later than December 1 of each year the expiration year of the certification [see 595:11-5-13],
 - (B) submits a nationwide criminal background check certified within the immediately preceding thirty (30) days,
 - (C) submits a current copy of the State Department of Education instructor certificate, or a valid certificate issued by the Oklahoma Board of Career and Technology Education confirming instructor certification or a valid certificate issued by the Department confirming instructor certification.
 - (D) is currently employed by a certified school,
 - (E) currently meets the requirements and standards of the Department as prescribed by this Subchapter,

(F) administered fifteen (15) or more full examinations within the twelve (12) months immediately preceding the application for renewal of certification, and (G) submits required renewal fee of Five Hundred Dollars (\$500.00). If applicant for the Third-Party Examiner program is employed by a public school, technology center or state entity, the fee may be waived by the Department.

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

(3) Any ~~third party examiner~~ Third-Party Examiner who does not qualify for renewal of certification may apply, after a period of at least one (1) year from the date the examiner was notified he or she was not qualified for renewal of certification, for certification as a third-party examiner and shall meet all requirements as for an initial application for certification as a third-party examiner.

(4) Upon any Third-Party Examiner's second failure to meet the requirement to conduct fifteen (15) or more full examinations within the twelve (12) months immediately preceding the application for renewal of certification, the Third-Party Examiner shall be removed from the Third-Party Examiner Program. The Third-Party Examiner must wait a minimum of one (1) year before reapplying to the Third-Party Examiner Program.

595:11-5-7. Skills examination requirements and standards

(a) **Eligibility.** To be eligible for a skills examination, a commercial driver license applicant shall successfully complete, prior to the examination, a formal prescribed commercial motor vehicle course of instruction as referred to in OAC 595:11-7-9, as submitted to and approved by the Department, by the institution where the examination will be administered, or

(1) The applicant shall provide proof of training from another school district that is recognized by the State Department of Education.

(2) The applicant provides proof of training from a technology center school that is recognized by the Oklahoma Board of Career and Technology Education.

(3) The applicant provides proof of training from any public or private commercial truck driving school that has or maintains a program instructing students for a Class A, B, or C license in the State of Oklahoma that is certified by the Department.

(b) **Application.** Before an examination may be given to an applicant by a ~~third party examiner~~ Third-Party Examiner, the applicant must ~~completely fill out and~~ submit to the ~~examiner~~ Third-Party Examiner ~~and~~ completed Oklahoma commercial driver license application (DPS Form DL-18-CT) [OAC 595:11-5-13(e)].

(c) **Physical Qualifications.** Prior to any examination, the Third-Party Examiner will view the medical questions on the commercial driver license application to ensure the applicant

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~~meets an applicant shall be provided with a copy of the physical qualifications for commercial motor vehicle drivers from the Federal Motor Carrier Safety Regulations and the Third-Party Examiner is not administering an examination to any commercial driver license student with any physical disability.~~ [49 C.F.R. §391.41].

(d) **Standards.** Current minimum standards for the examination of an applicant for a commercial driver license, as set forth in state statutes, Department rules, and federal regulations, shall be provided by the Department to all certified schools and third-party examiners.

(e) **School bus skills examination requirements.** The school bus skills examination for a commercial driver license administered by a third-party examiner shall:

- (1) include all specified school bus maneuvers as required by the Department, and
- (2) meet or exceed all requirements of the Department and of the Federal Motor Carrier Safety Act [49 C.F.R. §391] for the class or classes of vehicle for which the applicant desires to be licensed.

(f) **Truck skills examination requirements.** The truck skills examination for a commercial driver license administered by a third-party examiner shall:

- (1) include all specified maneuvers as required by the Department [OAC 595:11-3-9] and the Federal Motor Carrier Safety Act [49 C.F.R. § 383].
- (2) meet or exceed all requirements of the Department and of the Federal Motor Carrier Safety Act [49 C.F.R. § 383].

(g) **Notice of Examination.** A notice of the examination schedule shall be submitted electronically through CSTIMS to the CDL Coordinator or his or her designee, during normal business hours, no later than ~~three (3)~~five (5) business days prior to the initial examination and two (2) business days prior to a retest that will be administered by a third-party examiner. A third-party examiner shall not administer the skills test to any applicant he or she has instructed in the classroom and/or in behind the wheel training.

(h) **Location of examination.** All examinations shall be administered on the route approved for the certified school employing the third-party examiner.

(i) **Limitation on number of examinations.** Not more than six (6) examinations, ~~or 18 slots per day~~, shall be administered by a ~~third party examiner~~Third-Party Examiner without prior written consent of the CDL Program Administration, ~~or designee~~.

(j) **Examination reports.** Reports of examination activity by third-party examiners shall be submitted electronically through CSTIMS and any failed examinations shall be sent via email to the Department immediately upon the completion of each examination to the CDL Coordinator or ~~his or her~~ designee.

(k) **Examination Fees.** A Third-Party School may charge a fee of no more than Twenty-Five Dollars (\$25.00) for each CDL skills test administered, whether the student passes or fails the exam. A receipt from the Third-Party School must be placed in the student's file, signed by both the student and Third-Party Examiner.

595:11-5-9. Failed examinations and reexamination

(a) If the commercial driver license applicant fails an examination administered by a third-party examiner, the third-party examiner ~~may administer the examination to the applicant up to two (2) additional times. The third party examiner shall wait the required amount of time before reexamining the applicant. If the applicant fails any section of the examination three (3) times, the third party examiner shall refer the applicant to the Department for any further examination.~~

(b) The third-party examiner shall:

(1) record each failed examination on the commercial driver license application form DL-18-CF [OAC 595:11-5-13(e)];

(2) report each failed examination within the same day of the examination, each failed exam must be reported to the Department:

(A) during the Department's normal business hours:

- (i) by emailing the CDL Coordinator or his or her designee immediately upon completion of each exam, and
- (ii) electronically through CSTIMS immediately upon completion of each exam.

(B) after the Department's normal business hours:

- (i) by emailing the CDL Coordinator or his or her designee immediately upon completion of each exam, and
- (ii) electronically through CSTIMS immediately upon completion of each exam.

(3) ~~not administer a re-examination or another examination to the same student that has failed any part of the examination for a minimum of two business days. until the next business day, unless the student has failed the examination three (3) times. The Third party examiner will refer the student to the Department of Public Safety for the fourth examination.~~

(4) not administer a re-examination in a different vehicle that is not an exact representative vehicle to include but not limited to brakes, transmission, or class without re-examining any previously passed segments of the skills test.

595:11-5-10. Commercial driver license applicant

(a) Any commercial driver license applicant who requests an examination from a third-party examiner shall:

(1) have enrolled in and successfully completed the school bus driver course or truck driver course, as approved by the Department, ~~at the certified school employing the third party examiner~~, and

(2) take the skills examination on a route approved by the Department for the certified school employing the third-party examiner.

(b) Any commercial driver license applicant who does not pass the skills examination administered by a ~~third party examiner~~Third-Party Examiner

(1) shall wait the required amount of time [see 595:11-3-7 and 595:11-3-9~~see OAC 595:11-5-7 and OAC 595:11-5-9~~] before being reexamined, ~~and~~

~~(2) shall be given no more than two (2) subsequent examinations by the third party examiner at the certified school, at the discretion of the third party examiner. Further examination of the driver license applicant shall be conducted by the Department.~~

~~(c) Any commercial driver license applicant who needs an emergency certificate as a bus driver shall be examined only by the Department.~~

~~(d) Enrollment in or successful completion of a school bus driver course or a truck driver course, or successful passage of a skills examination administered by a third-party examiner shall not grant to the commercial driver license applicant the privilege to operate any commercial class vehicle.~~

595:11-5-11. Records to be maintained by certified schools and third-party examiners

(a) **Certified schools.** A certified school shall be responsible for maintaining all records pertaining to:

- (1) the certification of the school,
- (2) third-party examiners currently employed by the school,
- (3) the certification of each third-party examiner,
- (4) Currently certified third-party examiners, and previously certified third-party examiners, employed by the school for the immediately preceding three (3) years,
- (5) examination certificates and pre trip form score sheets for each examination administered,
- (6) Form DL-18-CT,
- ~~(7)~~ class rosters for classes conducted or certificate of completion for online training and completion letter for SDE instructor for five (5) hours behind-the-wheel training,
- ~~(8)~~ commercial learner permits and base license,
- ~~(9)~~ commercial driver license application in which an examination was administered by a third-party examiner employed by the school,
- (9) all correspondence between the school and the Department, and
- (10) examinations and the scores of those examinations, and receipts of all money collected when applicants are charged for an administered test,
- ~~(11) records of previously certified third party examiners.~~

(b) **Third-party examiner.** A third-party examiner shall be responsible for assisting the school in the maintenance of records described in (a).

(c) **Length of time records are to be kept.** All records shall be kept for a period of three (3) years and shall be open for audit and inspection by the Department, the State Board of Education, the Oklahoma Board of Career and Technology Education, and the Federal Motor Carrier Safety Administration. An employee of any of the aforementioned entities shall not be required to give prior notice before appearing to examine the records of a certified school or a ~~third party examiner~~ Third-Party Examiner.

595:11-5-12. Records to be maintained at the Department

(a) **School records.** The following records shall be maintained by the Department ~~at its headquarters~~ for each certified school, for each previously certified school, and for each school district, ~~and technology center school, and any commercial truck driving school~~ which submitted an application for certification, whether the application was approved or denied by the Department within the last three (3) years:

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) Current third-party examiners employed by ~~the~~ certified school.
- (4) Former third-party examiners employed by ~~the~~ certified school within the last three (3) years.
- (5) Annual ~~quality inspection~~ co-score and audit reports.
- (6) Complaints received.
- (7) Commendations received.
- (8) Evidence of violation of any standard, requirement, state statute, Department rule, or federal law or regulation relating to skills examinations.
- (9) Correspondence.
- (10) ~~Expired certifications.~~
- ~~(11)~~ Canceled, suspended or revoked certifications.
- ~~(12)~~ ~~Audits.~~

(b) **Third-party examiner and driver training instructor records.** The following records shall be maintained by the Department ~~at its headquarters~~ for each third-party examiner and for each driver training instructor who submitted an application for certification as a third-party examiner, whether the application was approved or denied certification by the Department:

- (1) The original application and all subsequent renewal applications, including investigative reports.
- (2) Evidence of approval or denial of the application by the Department.
- (3) The name of the certified school employing the examiner or instructor.
- (4) The name of any certified school which employed the examiner within the last three (3) years.
- (5) Annual ~~quality inspection~~ co-score and audit reports.
- (6) Complaints received.
- (7) Commendations received.
- (8) Evidence of violation of any standard, requirement, state statute, Department rule, or federal law or regulation relating to driver license examination.
- (9) Correspondence.
- (10) Expired certifications.
- (11) Canceled, suspended or revoked certifications.
- (12) ~~Individual files of audits.~~
- ~~(13)~~ Student Rosters.
- ~~(14)~~ ~~Examination Activity~~ Monthly Reports.

(c) In addition to the records specified in paragraphs (a) and (b) of this Section, the Department shall make available to the

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public upon request a list of all current third-party examiners and certified schools.

595:11-5-13. Prescribed forms

(a) **Certified school application.** A school district, or technology center school, or any commercial truck driving school shall request an application from the Department to apply for certification an original or renewal of a certification as a certified school. ~~A certified school shall request an application form from the Department to apply for renewal of certification as a certified school.~~ The application shall require the applying school to provide the following information:

- (1) Date of application.
- (2) Whether the application is an original or renewal application.
- (3) Name of the Oklahoma school.
- (4) Name and number of the school district or commercial truck driving school.
- (5) Complete physical address and mailing address.
- (6) County name and number.
- (7) Name of administrator or superintendent.
- (8) Telephone number of administrator or superintendent of the school district or commercial truck driving school.
- (9) Name of transportation director of the school district or administrator/operator of the commercial truck driving school.
- (10) Name of each third-party examiner employed by the certified school, if the application is for renewal of certification.
- (11) Statement of agreement to comply with rules of the Department and with the provisions of the appropriate memorandum of understanding and any subsequent contracts and memorandums.
- (12) Any other information the Department deems necessary to process the application.
- (13) Signature of the administrator or superintendent.

(b) **Third-party examiner application.** A driver training instructor shall request an application form from the Department to apply for an original or renewal of a certification as a third-party examiner. ~~A third-party examiner shall request an application form from the Department to apply for renewal of certification as a third-party examiner.~~ The application shall require the applicant to provide the following personal information:

- (1) Date of application.
- (2) Whether the application is an original or renewal application.
- (3) Full name of the applicant.
- (4) Complete ~~home~~ Oklahoma residential and mailing address ~~and mailing address~~ of the applicant.
- (5) Telephone numbers (residence and business) of the applicant.
- (6) Name of the employing school.
- (7) Name and number of the school district in which the employing school is located.
- (8) Date of birth of the applicant.
- (9) Social security number of the applicant.

(10) Oklahoma commercial driver license number of the applicant.

(11) Any other information the Department deems necessary to process the application.

(12) Signature of the applicant.

(c) **Certified school certificate.** The certificate for a certified school shall include, but not limited to, the following information:

- (1) Official name and seal of the Department.
- (2) Official name of the school.
- (3) School district name and number or technology center or commercial truck driving school name.
- (4) City (when applicable) and county where the school is located.
- (5) Type of certification.
- (6) Date of certification.
- (7) Expiration date of certification.
- (8) A unique certification number.
- (9) Name and signature of the Commissioner of Public Safety.

(d) **Third-party examiner certificate.** The certificate for a third-party examiner shall include, but not limited to, the following information:

- (1) Official name and seal of the Department.
- (2) Full name of the third-party examiner.
- (3) Name, school district name and number or technology center or commercial truck driving school name, city (when applicable), county, and certification number of the certified school employing the third-party examiner.
- (4) Type of certification.
- (5) Date of certification.
- (6) Expiration date of certification.
- (7) A unique certification number.
- (8) Name and signature of the Commissioner of Public Safety.

(e) **Oklahoma commercial driver license application.** ~~Oklahoma commercial driver license application forms (DPS Form DL-18-CT) shall be provided to each certified school. Each portion of the application shall be completed by the appropriate person, as indicated on the application, using black ink only. The commercial driver license applicant shall complete the applicant's portion of the application form and submit the form to the third-party examiner. The third-party examiner~~ Third-Party Examiner shall document on the commercial driver license application form:

(1) the specific identifying information related to the commercial motor vehicle used in the skills examination, including:

(i) the license plate number,

(ii) the gross vehicle weight rating (GVWR); the license plate number, as well as any other specific identifier pertinent to the commercial motor vehicle used in the skills examination.

(2) the third-party examiner shall also document on the form the results of the each skills examination, administered to the applicant, whether passed or failed, administered to the applicant

(3) the required endorsements and restrictions applicable to the commercial driver license,

(4) The class of commercial motor vehicle applicable to the commercial driver license,

(5) If the applicant successfully passes the skills examination administered by the Third-Party Examiner, the verification and approval of all information on the application shall be documented by the Third-Party Examiner with a:

(i) signature,

(ii) school seal, and

(iii) examiner stamp, verifying all the information on the application, and approving the application, if the applicant successfully passes the skills examination administered for the class of commercial motor vehicle and any endorsements.

(f) **Approval.** Upon approval by the ~~third party examiner~~ and completion of all information required of the ~~examiner~~, the ~~examiner~~ shall return the application form to the applicant.

(g) **Procedures after approval.** The applicant shall surrender the approved application to a Driver License Examiner of the Department to complete any required licensing procedures, including, but not limited to, the administration of written examinations.

(h) **Where to obtain forms.** ~~All~~Necessary forms are provided by the Department and can be obtained by a certified school or a ~~third party examiner~~Third-Party Examiner by written or electronic request to: Department of Public Safety, Driver License Services, P.O. Box 11415, Oklahoma City, Ok 73136-1415.

595:11-5-15. Prohibited acts; conduct

(a) **Certified schools - prohibited acts.** A certified school shall not:

(1) permit to be used any form of alcoholic beverage or drugs in, on or about the school premises, including the examination route, or in any commercial motor vehicle being used for the purpose of training or administering a skills examination,

(2) require or permit the administration of an examination to any commercial driver license applicant with any physical ~~handicap~~disability. The ~~third party examiner~~Third-Party Examiner shall direct these individuals to a Department Driver License Examiner.

(3) require or permit the administration of an examination to any person who has not enrolled in and successfully completed a course at the certified school employing the Third-Party Examiner, another school district that is recognized by the State Department of Education, another technology center school that is recognized by the Oklahoma Board of Career and Technology Education, as or any commercial truck driving school submitted to and approved by the Department. The ~~third party examiner~~Third-Party Examiner shall not administer the skills test to applicants he or she has instructed in the classroom ~~and/or~~ in behind the wheel training.

(4) require or permit any person other than a ~~third party examiner~~Third-Party Examiner employed by the school to administer any examination,

(5) require or permit the administration of an examination in a vehicle required to be placarded for hazardous materials or any other vehicle referred to in OAC 595:11-3-8, or

(6) commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state or federal regulations governing ~~third party examiner~~Third-Party Examiner certification.

(7) Failure to comply with Third-Party Examiner Program requirements, the Third Party Examiner Agreement, applicable federal or state statutes and regulations may result in the suspension or revocation of the school, the designated responsible person, the Third-Party Examiner Program and/or the Third-Party Examiner's testing privileges.

(8) Penalties for non-compliance violations with this program are defined and applied as follows:

(A) **Administrative Non-Compliance.** Failure to meet requirements for reporting, notifications, record keeping, or similar acts that do not compromise test integrity or public safety.

(i) First violation of Administrative Non-Compliance will result in a warning letter sent to the school.

(ii) The second and subsequent violations of Administrative Non-Compliance will result in a thirty (30) day suspension of testing authority issued by the Department .

(B) **Discrepancy in Test Procedure (substandard testing).** The following will result in the termination of the testing authority and permanent removal from the program:

(i) failure to properly administer a required portion of an otherwise complete test procedure, such as omission of a required maneuver, or

(ii) failure to include all required parts of a test procedure, such as omission of the vehicle inspection, or

(iii) failure to use an approved test route, or

(iv) use of an unsafe vehicle, or

(v) any other action determined to significantly compromise the integrity of the test process or public safety will result the termination of the testing authority and permanent removal from the program.

(C) **Fraud.** The following fraudulent activity will result in the termination of testing authority:

(i) profiting from the issuance of a license to a person that has not passed a complete skills test,

(ii) falsification of records or information,

(iii) refusal to allow access to all documents, papers, letters and material subject to the provisions of the Third-Party Tester Program, or

(iv) commits an act that, in the opinion of the Department, compromises the integrity of the Program.

(b) **Third party examiner Third-Party Examiner - prohibited acts.** A ~~third party examiner~~Third-Party Examiner shall ~~not~~:

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- (1) not use or permit to be used any form of alcoholic beverage or drugs in, on or about the school premises, including the examination route, or in any commercial motor vehicle being used for purpose of training or administering a skills examination,
- (2) not administer an examination to any commercial driver license applicant with any physical handicap,
- (3) not administer an examination to any person who has not enrolled in and successfully completed a course at the certified school employing the ~~third party examiner~~ Third-Party Examiner, another school district that is recognized by the State Department of Education, another technology center school that is recognized by the Oklahoma Board of Career and Technology Education, or any commercial truck driving school as submitted to and approved by the Department,
- (4) not administer an examination to any person who has not been issued ~~and/or~~ does not possess a commercial learner permit (issued at least fourteen (14) days, excluding the date of issuance, prior to the date of the examination) for the class of vehicle and proper endorsements and restrictions in which the examination is to be given,
- (5) not administer an examination in a vehicle required to be placarded for hazardous materials or any other vehicle referred to in OAC 595:11-3-8.
- (6) not administer an examination to any person related by consanguinity (by blood relation) or affinity (by marriage) within the third degree, or to any person who is not enrolled in or has enrolled in and completed a course of study, as defined in OAC 595:11-7-2 ~~from the school which employs the examiner.~~
- (7) not accept any present, meals, goods or services, trades, or favor from an applicant or any other person who has or may have an interest in the outcome of an examination, or accept any employment which represents a conflict of interest to the examination process.
- (8) not use the ~~third party examiner~~ Third-Party Examiner position for any personal advantage, ~~or~~
- (9) not commit or omit any act which constitutes a violation of any of the rules of this Subchapter or the laws of this state or federal regulations governing ~~third party examiner certification~~ Third-Party Examiner certification. The Department reserves the right to take prompt and appropriate remedial action against a Third-Party Examiner that fails to comply with State or Federal laws, rules, and or regulations for the CDL testing program, or any other terms of the Third-Party Examiner contract.
- (10) not administer the skills test to applicants he or she has instructed in the classroom ~~and/or~~ in behind the wheel training.
- (11) not administer an examination to any student that is not enrolled in or has completed a course of study as defined in OAC 595:11-7-2 ~~from the third party examiner's employing school.~~
- (12) not take part in, or conceal others taking part in, any fraudulent activity that may threaten the certification

of Oklahoma's CDL Program. This shall result in a revocation of the Third-Party Examiner certification and may result in criminal charges.

(13) not falsify any required records, applications, or forms. This shall result in a revocation of the Third-Party Examiner certification. Such falsification may also result in criminal prosecution.

(14) not allow anyone in or around the vehicle other than students being tested, the Third-Party Examiner, Federal and /or Department auditors or inspectors while the skills test is being conducted.

(15) not assist a student in a manner that provides an unfair advantage in passing the skills test such as giving hints or stopping the vehicle before it hits a boundary during the basic control skills.

(16) not permit a translator or other intermediary to interpret any portion of the CDL Skills Test. Additionally, federal regulations prohibit any Third-Party Examiner from conversing with a student in any language other than English.

(17) start the CDL test on time, in accordance with the Notification of Scheduled Test. The Department must be notified via email immediately if a test is canceled.

(18) complete all three segments of the CDL Skills Test without interruption and in the following order: vehicle inspection, basic control skills test, and road test.

(c) ~~Third party examiner~~ **Third-Party Examiner - conduct.** ~~A third party examiner~~ Third-Party Examiner shall:

(1) Recognize that his or her position is of the highest public trust and that, on the wisdom of his or her decision, the lives of many people ~~may~~ depend,

(2) Impartially administer all official duties without regard to race, gender, creed, position, or influence, ~~and according~~ affording no applicant more favorable treatment than any other,

(3) Conduct each examination in a manner which reflects:

(A) its importance to society,

(B) its seriousness to the individual, and

(C) the unquestioned competence of the examiner,

(4) Exercise only the legal authority as has been duly vested in the position of a ~~third party examiner~~ Third-Party Examiner, and

(5) Fully appreciate and fulfill the responsibilities of his or her certification in order to strengthen public confidence in the training and examination of commercial driver license applicants.

(6) Know that taking part in, or concealing others taking part in, any fraudulent activity that may threaten the certification of Oklahoma's CDL Program shall constitute immediate release and automatic ban from the Third-Party Examiner Program and may result in criminal charges.

(d) **Administrative Hearings.** Any licensee that has his or her certification revoked, denied, suspended or cancelled under this section may request an administrative hearing pursuant to OAC 595:1-3-1 through 595:1-3-20.

595:11-5-16. Termination of contracts and agreements

Contracts and agreements entered into by the State Board of Education, by the Oklahoma Board of Career and Technology Education, or by the Department or an individual certified school and the Department, may be terminated by either party, by giving written notice to the other party, stating cause or reason for termination, as provided by the applicable memorandum of understanding.

595:11-5-17. Withdrawal or denial of certification

(a) ~~The Department may-~~ The Department reserves the right to take prompt and appropriate remedial action against a Third-Party Examiner that fails to comply with State or Federal standards for the CDL testing program, or with any other terms of the Third-Party Examiner contract.

(~~b~~) ~~cancel, suspend, revoke, or refuse to renew the certification of a certified school or third party examiner for failure to comply with any provisions of state law, federal regulation, or Department rule. The Department reserves the right to take prompt and remedial action against a Third-Party Examiner that falsifies any required records, applications, or forms. Such falsification may also result in criminal prosecution.~~

(~~c~~) The Department reserves the right to take prompt and appropriate remedial action against a Third-Party Examiner that fails to comply with Third-Party Examiner Program requirements, the Third-Party Examiner Agreement, applicable Federal or State statutes and regulations may result in the suspension or revocation of deny certification to a school district, or technology center, or any commercial truck driving school, designated responsible person and/or the Third-Party Examiner's testing privileges. applying for certification as a certified school for failure to meet the requirements prescribed by this Subchapter.

(~~d~~) The Department may Denydeny certification to any school district, technology center, or any commercial truck driving school or driver training instructor applying for certification as a third party examinerThird-Party Examiner or for failure to meet the requirements prescribed by this Subchapter.

(e) Should the Department deny a certification or license to any school or Third-Party Examiner, the Department shall notify the school or Third-Party Examiner in writing within forty-five (45) days from the denial.

(~~f~~) Where it is determined that a minor disqualification exists which may readily be rectified by the school or third party examiner Third-Party Examiner within twenty-four (24) hours, the Department may informally notify the party by mail or telephone of the minor disqualification or violation, with a request for compliance within a specified period of time. If the party fails to rectify the minor disqualification or violation, the Department may proceed to deny, suspend, revoke or cancel certification.

(~~g~~) The Department may deny or cancel certification of any applicant, certified school, or third party examinerThird-Party Examiner for not more than five (5) years when it is determined and good cause appears that the applicant, school, or examiner demonstrated willful disregard of the rules established in this Subchapter or committed other negligent acts.

(~~h~~) Should the Department be required to re-test applicants as a result of fraudulent or negligent testing practices; the contractorthe party to the agreement with the Department shall be required, if not bonded, to reimburse the Department at the base rate of pay for a current Department of Public Safety Commercial Driver License Examiner, including any travel, and other accrued expenses.

(i) Any licensee that has his or her certification revoked, denied, suspended or cancelled under this section may request an administrative hearing pursuant to OAC 595:1-3-1 through 595:1-3-20.

SUBCHAPTER 7. TRUCK DRIVER TRAINING

595:11-7-2. Definitions

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

"Business day" means Monday through Friday 8:00 a.m. to 4:45 p.m., excluding state and federal holidays.

"Credential" means endorsements, major and/or minor teaching areas, licenses, as well as professional, standard, provisional, temporary, and emergency certificates.

"Commercial motor vehicle" means a vehicle used for training students in Class A, B, or C commercial motor vehicles as defined in 47 O.S. §1-107.1, 1-107.2 1-107.3.

"Course of study" means a course of study in truck driver training, including highway signs, signals, markings and design, rules of the road, state laws, local ordinances, basic driving maneuvers, and safe operation of commercial motor vehicles on streets and highways; including 49 CFR 380.600 - 609 Subpart F-Entry Level Driver Training Requirements set forth in appendices A through E of part 380.

"Endorsements" means credentials placed on valid licenses or certificates, or both, to indicate that the holder is eligible to teach specific subjects. An endorsement qualifies the holder to teach a full day in the subject of the endorsement.

"Instructor" means a qualified commercial truck driver training instructor who is certified by the Department to instruct students desiring to apply for a commercial license, at an approved commercial truck driver training school.

"School" means a business enterprise conducted as a commercial truck driver training school by an individual, association, partnership, or corporation for the purpose of education and training of students desiring to apply for a commercial driver license; including the requirements set forth in 49 CFR 380.700-725 Subpart G- Registry of Entry-Level Driver Training Providers.

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

(a) **In general.** A school license shall be required for any schoolschool whothat offeroffers any form of instruction, whether it is entry-level truck driver training training to students who do not possess a valid commercial driver license

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or any form of refresher training. An instructor permit shall be required for instructors who teach truck driver training.

(1) **Schools - original application.** Applications must be submitted at least ninety (90) days in advance of opening a school to allow the Department to conduct a pre-audit and ensure suitable location.

(A) All applications for an original school license shall be made on a form provided by the Department. The term of each original school license shall be for a period of one (1) year.

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

(i) a fee of Twenty-five Dollars (\$25.00), which shall be paid to the Department by money order, cashier's check, or business ~~personal~~ check. No other forms of payment will be accepted.

(ii) a schedule of fees and charges,

(iii) a certificate of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage to include the vehicle inventory,

(iv) the make, model and vehicle identification number of each commercial motor vehicle used for training purposes, if truck and/or trailer are leased, a copy of the lease agreement and

(v) a sample copy of each type of contract or agreement which the school may enter into with students-

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

(D) All applications shall be approved by the Department before a school shall be permitted to open for business.

(E) Every operator of a school shall be required to have an instructor permit.

(F) Application for a school license may be obtained:

(i) upon request by mail from the Department of Public Safety, Driver License Services, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, or

(ii) on the Department's website at www.ok.gov/dps, or

(iii) contacting the CDL Coordinator by phone at 405-425-2300.

(G) All schools shall meet the requirements of OAC 595:11-7-13.

(H) The individual school may apply no more than two (2) times each calendar year.

(2) **Schools - renewal application.**

(A) All applications for a renewal school license shall be made on a form provided by the Department of Public Safety. The term of each renewal school license shall be for a period of one (1) year.

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

(i) a fee of Twenty-five Dollars (\$25.00), which shall be paid to the Department by money

order, cashier's check, or business/personal check, no other forms of payment will be accepted.

(ii) a schedule of fees and charges, if any changes have been made since the last license issuance,

(iii) a certificate of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage (must include appendix of listed vehicles insured for training) to include the vehicle inventory,

(iv) the make, model and vehicle identification number of each commercial motor vehicle used for training purposes, and

(v) a sample copy of each type of contract or agreement which the school may enter into with students.

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

(3) **Instructors - original applications.**

(A) All applications for an original instructor permit shall be made on a form provided by the Department. The term of an original instructor permit shall be for a period of no more than one (1) year. An instructor shall make application for each school location where he or she will be instructing. An instructor permit for a particular school shall become invalid upon termination of employment with that school. If an instructor accepts employment with another school or schools, an instructor permit shall not be transferable, and the instructor shall apply for an original license for each school where he or she is employed.

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

(i) documentation required by OAC 595:11-7-4, and

(ii) a fee of Five Dollars (\$5.00), which shall be paid to the Department by money order, cashier's check, or business/personal check. ~~If the instructor is licensed at multiple schools with the same owner, only one (1) fee of Five Dollars (\$5.00) shall be paid. If the instructor is licensed at multiple schools with different owners, a fee of Five Dollars (\$5.00) shall be paid for each school with a different owner.~~ No other forms of payment will be accepted.

(iii) the requirement to meet at DPS Headquarters with the CDL Coordinator and/or his or her

designee to discuss the program requirements and expectations.

(C) An application to be certified a CDL Instructor may be submitted no more than two (2) times per calendar year.

(4) Instructors - renewal applications.

(A) All applications for a renewal instructor permit shall be made on a form provided by the Department. The term of each renewal instructor permit shall be for a period of one (1) year. An instructor shall make application for each school location where he or she will be instructing. An instructor permit for a particular school shall become invalid upon termination of employment with that school. If an instructor accepts employment with another school or schools, an instructor permit shall not be transferable, and the instructor shall apply for an original license for each school where he or she is a new employee.

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

(i) documentation required by OAC 595:11-7-4, and

(ii) a fee of Five Dollars (\$5.00), which shall be paid to the Department by money order, cashier's check, or business/personal check. ~~If the instructor is licensed at multiple schools with the same owner, only one fee of Five Dollars (\$5.00) shall be paid. If the instructor is licensed at multiple schools with different owners, a fee of Five Dollars (\$5.00) shall be paid for each school with a different owner. No other forms of payment will be accepted.~~

(C) Any instructor who allows his or her instructor permit to lapse or expire without renewal shall reapply as if for an original instructor permit.

595:11-7-4. Qualifications for instructors

An instructor employed by a school shall submit to the Department of Public Safety, upon application, proof of the following:

- (1) current employment by a Department-certified school which that offers a prescribed course of study;
- (2) possessing a valid Oklahoma commercial driver license, with proper class and endorsements commensurate with type or types of vehicles and endorsements which are the subject of instruction;
- (3) being at least twenty-one (21) years of age;
- (4) having never been convicted of a felony as evidenced by a nationwide criminal background check certified within the immediately preceding thirty (30) days;
- (5) if applicable, having driving privileges reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for Department action related to driving under the influence or driving while impaired. If driving privileges are suspended, canceled,

revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;

(6) having not been convicted of misdemeanor possession or use of alcohol or drugs within the past twelve (12) months;

(7) having not more than five (5) point violations on the driving record;

(8) having no administrative action pending at the Department pursuant to 47 O.S. §§753, 754, or 754.1;

(9) having a high school diploma, ~~or a~~ general education diploma, ~~or a college degree; and~~

(10) having three (3) years verifiable driving experience, to include the proper endorsements, in the type of vehicle or vehicles used by the school for instructional purposes. The verifiable driving experience must be within ten

(10) years of the application date; and must be verifiable through HireRight or the equivalent electronic background unless self-employed. If the driving experience is from self-employment, three (3) years of tax returns with the company information must be provided to the Department.

(10) years of the application date; and must be verifiable through HireRight or the equivalent electronic background unless self-employed. If the driving experience is from self-employment, three (3) years of tax returns with the company information must be provided to the Department.

(11) current medical examiner's certificate.

595:11-7-9. Prescribed course of study

(a) A prescribed course of study commercial truck driver training shall be designed to develop knowledge of those provisions of the Title 47 of the Oklahoma Statutes, other laws of this state, and federal laws and regulations relating to the operation of commercial motor vehicles; acceptance of personal responsibility in traffic; appreciation of the causes, seriousness, and consequences of traffic collisions; and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles. In addition, each course of study shall meet the minimum training requirements, as found in 49 CFR, Part 380:

(1) Commercial truck driver curriculum for entry-level instruction for novice truck drivers, including but not limited to:

(A) Section 1 - Basic Operations

- (i) Unit 1.1 - Orientation
- (ii) Unit 1.2 - Control systems
- (iii) Unit 1.3 - Vehicle inspection
- (iv) Unit 1.4 - Basic control
- (v) Unit 1.5 - Shifting
- (vi) Unit 1.6 - Backing
- (vii) Unit 1.7 - Coupling and uncoupling
- (viii) Unit 1.8 - Proficiency development

(B) Section 2 - Safe Operating Practices

- (i) Unit 2.1 - Visual search
- (ii) Unit 2.2 - Communication
- (iii) Unit 2.3- Speed management
- (iv) Unit 2.4- Space management
- (v) Unit 2.5- Night operations
- (vi) Unit 2.6- Extreme driving conditions
- (vii) Unit 2.7- Proficiency development

(C) Section 3 - Advanced Operating Procedures

- (i) Unit 3.1-Hazard perception

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- (ii) Unit 3.2-Emergency maneuvers
 - (iii) Unit 3.3-Skid control and recovery
 - (iv) Unit 3.4-Special situations
 - (D) Section 4 - Vehicle Maintenance
 - (i) Unit 4.1 - Vehicle systems
 - (ii) Unit 4.2 - Preventative maintenance and servicing
 - (iii) Unit 4.3 - Diagnosing malfunctions
 - (E) Section 5 - Non-Driving Activities
 - (i) Unit 5.1 - Handling cargo
 - (ii) Unit 5.2 - Hours of service
 - (iii) Unit 5.3 - Crash procedures
 - (iv) Unit 5.4 - Trip planning
 - (v) Unit 5.5 - Miscellaneous topics
- (2) Commercial truck driver curriculum for refresher and recertification classroom instruction for experienced truck drivers that currently hold a commercial driver license, including but not limited to:
- (A) Introduction
 - (B) Defensive driving tactics
 - (C) Uniform Vehicle Code (Title 47 of the Oklahoma Statutes)
 - (D) Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Highway Administration, 49 C.F.R., Parts 383 and 390 through 399
 - (E) Techniques of first aid (Instructor must have valid First Aid Instructor's Card)
 - (F) Driver attitude
 - (G) Fire prevention and fire fighting
 - (H) Map reading and routing
 - (I) Credentials, including:
 - (i) Cab cards
 - (ii) Port of entry
 - (iii) Size and weights permits
 - (iv) Elective of cargo handling
 - (J) Training in preparation for the written ~~examination, pre trip inspection and examination, and air brake examination, and skills examinations.~~
- (b) On or after February 7, 2020, commercial driver license holders must be in compliance with the provisions of 49 CFR 380.600 subpart F-Entry Level Driver Training Requirements and meet the curriculum requirements set forth in appendices A through E of part 380(f) , prior to completing the required knowledge examination.
- (c) On or after February 7, 2020, commercial driver license holders must complete the Hazardous Materials Endorsement Training Curriculum, CFR 49 part 380 Appendix E-Hazardous Materials Endorsement Training Curriculum prior to completing the required knowledge examination.

595:11-7-10. Specification for commercial motor vehicles

- (a) Commercial motor vehicles used in training shall meet the minimum safety standards in the most recent edition of the "North American Standard Out-of-service Criteria," as published annually by the Commercial Vehicle Safety Alliance. Vehicles found in violation of ~~the~~ these standards shall

not be used for training or leased to an applicant for use in the commercial driver license skills examination.

(b) All students and instructors shall comply with the Oklahoma Mandatory Seat Belt Use Act, 47 O.S. §§ 12-416 through 12-420, whenever the vehicle is in operation.

(c) ~~Signs shall be placed on each~~ Each commercial vehicle used in training shall be marked on each side and on the rear of the vehicle with a sign using with letters no less than two (2) inches in height, ~~as follows: bearing the words: "TRUCK DRIVER TRAINING" or "COMMERCIAL DRIVER TRAINING" and "STUDENT DRIVER".~~

~~(1) Each truck tractor and trailer shall be marked on each side and on the rear with the a sign bearing the words: "TRUCK DRIVER TRAINING".~~

~~(2) Each trailer shall bear a sign plainly visible from the rear bearing the words: "NOT FOR HIRE".~~

~~(3) Each vehicle used for instruction of truck driver training shall be marked on each side and on the rear with the words "STUDENT DRIVER".~~

~~(4) Any additional signs and markings shall not be placed on on the vehicle without prior approval by the Department of Public Safety.~~

(d) Each commercial vehicle used in training shall bear a sign plainly visible from the rear bearing the words: "NOT FOR HIRE".

(1) Each truck-tractor and trailer shall be marked on each side and on the rear with a sign bearing the words: "TRUCK DRIVER TRAINING or "COMMERCIAL DRIVER TRAINING" and "STUDENT DRIVER."

(2) Each trailer shall bear a sign plainly visible from the rear bearing the words: "NOT FOR HIRE".

(3) Any additional signs and markings shall not be placed on the vehicle without prior approval by the Department of Public Safety.

~~(e)~~ All commercial vehicles, truck-tractors and trailers shall be used only for the purpose of driver training and no school shall accept payment in any way for services rendered from use of the vehicle; provided, the school may lease the truck-tractor or trailer, or both, for the sole purpose of use of the vehicle leased to allow the lessee to take the skills examination as part of the application process for a commercial driver license.

(f) All vehicles must have the vehicle registration, security verification form, and current cab card if registered with apportioned tag. If truck tractor and/or trailers are leased for purposes of training, a lease agreement must be available at the time of inspection.

(g) All commercial vehicles must be inspected and approved by the Department prior to use of any kind or in any form of training. An inspection shall be requested through the CDL Coordinator, or designee, by mail (Department of Public Safety, Driver License Services, P.O. Box 11415, Oklahoma City, OK 73136), phone (405-425-2300), or email the Department once the vehicle has the vehicle added to the school's inventory and reflected on the school's insurance. Once it has been added to the inventory at the school's location, it cannot be moved to another school location without prior approval from the Department. The Department may require insurance

documentation reflecting the commercial vehicle has been added to the new location's inventory.

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

(a) The ~~Commissioner~~Department of Public Safety may cancel, suspend, revoke, or deny a school license or an instructor permit, as prescribed in 47 O.S. § 806.

(b) Where it is determined that a minor disqualification or violation exists which may be readily rectified by the school or instructor within twenty-four (24) hours, or by an applicant for a school license or instructor permit the Department of Public Safety may informally notify the party by mail or electronically of the minor disqualification or violation, with a request for compliance within a specified period of time. If the party fails to rectify the minor disqualification or violation, the Department may proceed to deny, suspend, revoke or cancel the school license.

(c) Any school and/or instructor that takes part in, or conceals others taking part in, any fraudulent activity that may threaten the certification of Oklahoma's CDL Program will be immediately released and automatically banned from the commercial truck school program and may result in criminal charges.

(d) Failure to comply with Truck Driving School requirements, Oklahoma Administrative Code, and any applicable Federal or State statutes and regulations may result in the suspension or revocation of the Truck Driving School and/or training privileges.

(e) Penalties for non-compliance violations with this program are defined and applied as follows:

(1) Administrative Non-Compliance. Failure to meet requirements for reporting, notifications, record keeping, or similar acts that do not compromise test integrity or public safety.

(A) First violation of Administrative Non-Compliance will result in a warning letter sent to the school.

(B) A second or subsequent Administrative Non-Compliance violation will result in a thirty (30) day suspension of testing authority will be issued by the Department.

(2) Discrepancy in Test Procedure (substandard testing). The following will result in the termination of the testing authority and permanent removal from the program:

(A) failure to properly administer a required portion of an otherwise complete test procedure, such as omission of a required maneuver, or

(B) failure to include all required parts of a test procedure, such as omission of the vehicle inspection, or

(C) failure to use an approved test route, or

(D) use of an unsafe vehicle, or

(E) any other action determined to significantly compromise the integrity of the test process or public safety will result the termination of the testing authority and permanent removal from the program.

(3) Fraud. The following fraudulent activity will result in the termination of testing authority:

(A) profiting from the issuance of a license to a person that has not passed a complete skills test,

(B) falsification of records or information,

(C) refusal to allow access to all documents, papers, letters and material subject to the provisions of the Third-Party Tester Program, or

(D) commits an act that, in the opinion of the Department, compromises the integrity of the Program.

(f) Any licensee that has his or her certification revoked, denied, suspended or cancelled under this section may request an administrative hearing pursuant to OAC 595:1-3-1 through OAC 595:1-3-20.

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

[OAR Docket #19-833]

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595:40-7-3. Request for participation - Departmental review - IDAP agreement [NEW]

595:40-7-4. Program enrollment - calculation of time - IDAP agreement [NEW]

595:40-7-5. Ignition interlock device monitoring - interlock violations - program extensions - informal hearings [NEW]

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Commissioner of Public Safety; 47 O.S. § 6-212.5

ADOPTION:

October 30, 2019

EFFECTIVE:

Immediately upon the Governor's approval

APPROVED BY GOVERNOR:

October 31, 2019

EXPIRATION:

Effective September 14, 2020, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Impaired Driver Accountability Program (SB 712) was signed into law by Governor Stitt on May 9, 2019 and will go into effect on November 1, 2019. SB 712, more specifically, 47 O.S. § 6-212.5 provides the Department the authority to promulgate administrative rules to administer this program.

GIST/ANALYSIS:

The Impaired Driver Accountability Program (IDAP) is created for the purpose of enhancing public safety and to assist impaired driving offenders in mitigating the personal and financial costs of the offense of impaired driving through the administration of a monitored ignition interlock program implementing compliance based removal of the ignition interlock device.

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Emergency Adoptions

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., § 253(F):

SUBCHAPTER 7. IMPAIRED DRIVER ACCOUNTABILITY PROGRAM

595:40-7-1. Impaired Driver Accountability Program - Purpose

The Impaired Driver Accountability Program (IDAP) is created for the purpose of enhancing public safety and to assist impaired driving offenders in mitigating the personal and financial costs of the offense of impaired driving through the administration of a monitored ignition interlock program implementing compliance based removal of the ignition interlock device.

595:40-7-2. Definitions

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

"IDAP Phase 1" means the period of time in IDAP in which the participant is subject to remedial measures other than program extension as a result of ignition interlock violations or program violations.

(A) Six (6) month IDAP: the first 120 days after enrollment.

(B) Twelve (12) month IDAP: the first 245 days after enrollment.

(C) Thirty-six (36) month IDAP: the first 365 days after enrollment.

"IDAP Phase 2" means the period of time in IDAP in which the participant is subject to program extension as a result of ignition interlock violations or program violations.

(A) Six (6) month IDAP: the last 60 days of the original program length, and any extensions imposed by these rules.

(B) Twelve (12) month IDAP: the last 120 days of the original program length, and any extensions imposed by these rules.

(C) Thirty-six (36) month IDAP: the last 365 days of the original program length, and any extension imposed by these rules.

"One (1) year" means 365 days.

"Six (6) months" means 180 days.

"Three (3) years" means 1,095 days.

"Verified Ignition Interlock Violation" means a record received by the Department from the Board of Tests for Alcohol and Drug Influence indicating the review and verification of an ignition interlock violation in accordance with the rules of the Board. These include:

(A) Three (3) penalty fails, at startup, within a fifteen (15) minute time frame;

(B) Three (3) retest violations constitute a reportable violation. Each retest violation thereafter constitutes a reportable violation.

"Verified Program Violation" means a record received by the Department from the Board of Tests for Alcohol and Drug Influence indicating the review and verification of an ignition interlock program violation. These include:

(A) A circumvention

(B) Removal of the device except:

(i) Upon receipt of documentation from the Installation Authority or Monitor authorizing said removal

(ii) The vehicle is being repaired. The program participant must inform the licensed service center at least every eight (8) days as to the anticipated date of completion of repairs, or

(iii) The vehicle is being replaced. In the event the vehicle is being replaced by another vehicle, the removal and reinstallation of the device in the subsequent vehicle must be accomplished within eight (8) days of the removal

(C) Tampering

(D) Missed service appointment

595:40-7-3. Request for participation - Departmental review - IDAP agreement

(a) Requests for participation in IDAP must be received within thirty (30) days of the notice of revocation, given pursuant to 47 O.S. §2-116, as reflected by the records of the Department. Upon receipt of the request for participation, the Department shall enter a temporary stay until the expiration of 45 days from the date of the notice of revocation to the participant. Exceptions to the thirty (30) day requirement may be approved by the Director of the Driver Compliance Division or General Counsel.

(b) The customer cannot enroll in IDAP if a District Court appeal has been filed on behalf of the customer for the same incident referenced in the customer's request for IDAP participation.

(c) Requests for participation in IDAP will be reviewed immediately if presented in person to a Hearing Officer.

(d) Requests for participation in IDAP mailed to the Department will be reviewed within three (3) business days of receipt and approved, denied, or returned for more information.

(e) Review of the Request for Participation will include, at a minimum:

(1) Examination of the driving record for the purpose of determining program length;

(2) Confirmation of the License class. Only class D license holders may participate in IDAP.

(f) Upon approval of the Request to Participate in IDAP the participant will execute an IDAP Agreement with the Department outlining the respective roles and responsibilities of the participant and the Department.

(g) For IDAP request received by U.S. Mail, the post mark date shall be considered the date received.

595:40-7-4. Program enrollment - calculation of time - IDAP agreement

(a) The participant must enroll in IDAP within forty-five (45) days of the day of notice of revocation as reflected by the records of the Department. Exceptions to the forty-five (45) day requirement may be approved by the Director of the Driver Compliance Division.

(b) Enrolling in IDAP consists of:

- (1) Payment of the IDAP fee of \$200.00 to the Department;
- (2) Presentation of an Ignition Interlock Installation Verification Form;
- (3) Completion of an IDAP Agreement between the Participant and the Department;
- (4) Acknowledgement of receipt and review of the "IDAP Participant's Guide";
- (5) Obtaining a Restricted Driver License with an Ignition Interlock Restriction.

(c) Whatever the Participant's required program length, as calculated by the Department:

- (1) The day enrollment in IDAP is complete counts as the Participant's first day of the program.
- (2) All program restrictions, including the ignition interlock requirement, continue through the last day of the program as calculated by the Department. The participant is responsible for ensuring completion of IDAP before removing the ignition interlock device.

(d) The IDAP Agreement will be signed by the Hearing Officer and the Participant and shall include the following information:

- (1) Participant's full name;
- (2) Participant's correct address. In the event Participant's address on record is not correct, it will be updated;
- (3) Participant's preferred phone number;
- (4) Participant's email address (if applicable);
- (5) The date upon which the IDAP Agreement was signed;
- (6) A list of Ignition Interlock Violations as defined by the Board of Tests for Alcohol and Drug Influence;
- (7) An explanation of the consequences of violations of the Ignition Interlock Program.

595:40-7-5. Ignition interlock device monitoring - interlock violations - program extensions - informal hearings

(a) The participant is responsible for ensuring the ignition interlock is monitored on a regular basis in accordance with the interlock manufacturer's recommendations.

(b) Upon receipt of a report of a verified program violation during any phase of IDAP the participant must appear before the Department to provide proof the program violation has been remedied.

(c) Upon receipt of a report of a verified ignition interlock violation, or verified program violation, during Phase 2 of IDAP, the Department will extend the participant's program length in accordance with 47 O.S. §212.3, and issue notice of the extension to the participant.

(d) In Phase 1 or Phase 2 of IDAP, when the Department receives a report of a verified program violation, or a verified ignition interlock violation, the following remedial measures may be imposed:

- (1) Retraining with the manufacturer, at the expense of the participant, if applicable;
- (2) Installation of an ignition interlock device with a camera;
- (3) Restrictions on the days and times of the participant's driving;
- (4) Referral to re-assessment; and
- (5) Removal from IDAP which will result in a driver license revocation.

(e) The participant may appear before a hearing officer within fifteen (15) days of receipt of the notice of any violation to contest the violation. The hearing officer may sustain or set aside the violation. The participant's failure to contest a violation within the time allowed will waive any future right to contest the violation.

595:40-7-6. Graduation from IDAP - requirements - presentation of certificate

(a) Graduation from IDAP occurs when the participant presents to the Department:

- (1) Completion form from the Board of Tests for Alcohol and Drug Influence verifying no ignition interlock violations have occurred in Phase 2 of IDAP;
- (2) Certificate of completion of requirements of the drug and alcohol assessment required by Oklahoma statutes;
- (3) The Department will verify that it has not received any additional officer's affidavits and notices of revocation related to the participant.
- (4) The Department will update the Driver Index of the participant to reflect the completion of the IDAP program and issue a completion certificate to the participant.

[OAR Docket #19-833; filed 11-19-19]

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

1:2019-43.

EXECUTIVE ORDER 2019-43

The Oklahoma Office of Workforce Development ("OOWD") currently houses Oklahoma Works, the State's workforce development initiative, and administers the federal Workforce Innovation and Opportunity Act Title I financially-assisted programs/activities under the U.S Department of Labor. OOWD is currently an operating division of Oklahoma State University-Oklahoma City ("OSU-OKC").

After due consideration and consultation with members of the Governor's Cabinet, I have determined that, in order to create operating efficiencies and consolidate common functions that will save money, OOWD, its functions and employees, should be transferred to and become an operation division of the Oklahoma Department of Commerce ("ODOC") effective December 31, 2019.

As a result of such transfer, pursuant to Rules 260:25-15-11 and 260:25-15-12 of the Oklahoma Administrative Code, all accrued annual and sick leave of employees of OOWD shall be transferred from OSU-OKC to ODOC effective December 31, 2019.

Copies of this Executive Order shall be distributed to the Secretary of Commerce and Workforce Development, the Executive Director of ODOC, the Executive Director of OOWD, and the President of OSU-OKC for immediate implementation.

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 22nd day of November, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-867; filed 11-22-19]

1:2019-44.

EXECUTIVE ORDER 2019-44

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m., on Tuesday, November 26, 2019, as a mark of respect for the memory and longstanding service of former Oklahoma State Representative Elmer Leroy Maddux, a lifelong resident of Mooreland, Oklahoma.

Former Representative Maddux represented the residents of Woods, Woodward and Major counties for sixteen years with integrity. He was a champion for rural Oklahoma and a long-time farmer and rancher. He was a concerned legislator who worked diligently on conservation, agriculture, and appropriations and budget issues facing our state. Former Representative Maddux had a long record of public service to our state as a county commissioner, Mooreland school board member, advisor to the Wichita District Bank Board, Woodward County Jail Board, Rural Water District Board, Oklahoma Organ Donor Advisory Council, and Soil and Water Conservation Boards.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 25th day of November, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-895; filed 11-25-19]

